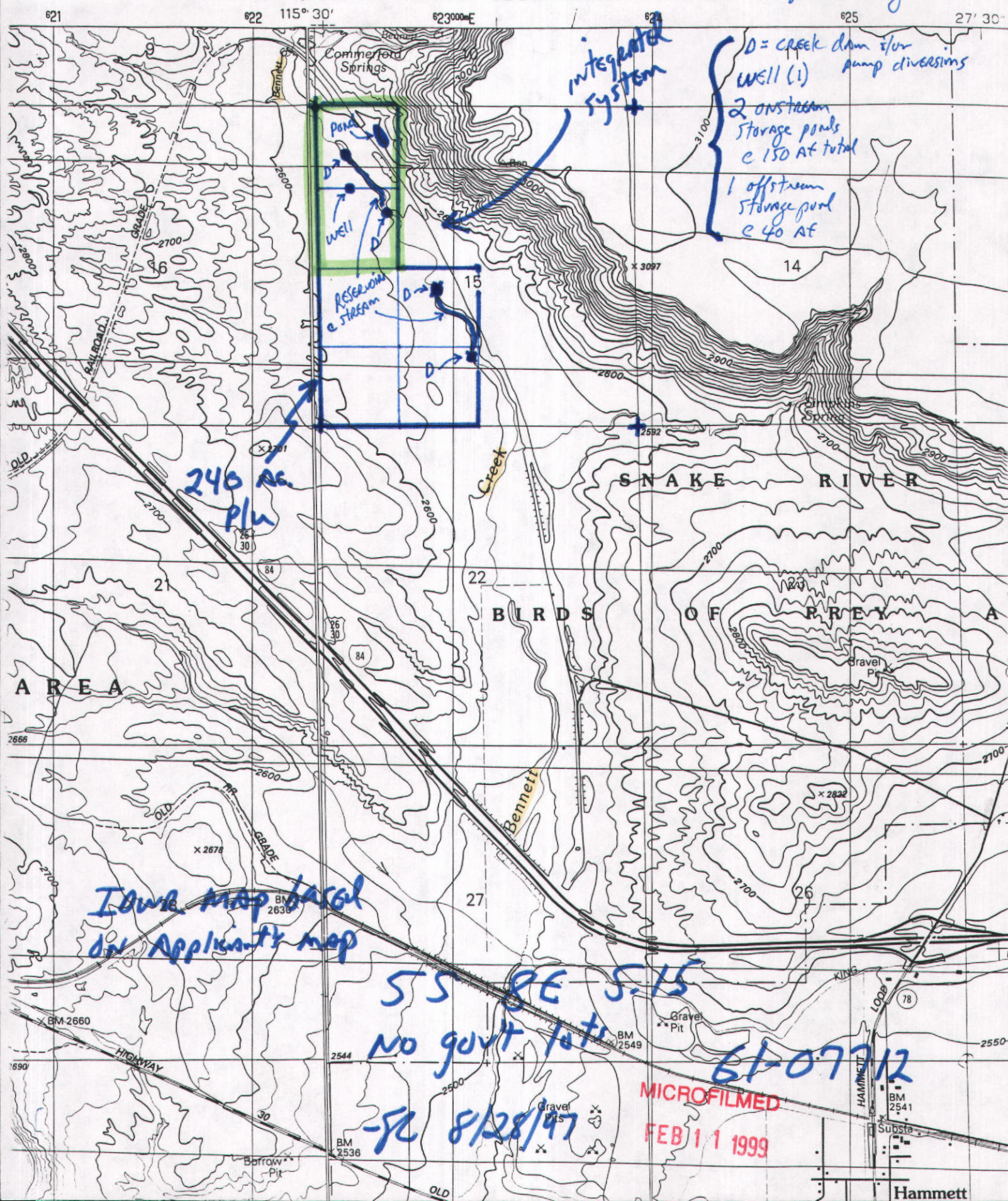


INDIAN COVE QUADRANGLE
IDAHO AA14 DEPARTMENT OF THE INTERIOR
MINUTE SERIES (TOPOGRAPHIC) UNITED STATES GEOLOGICAL SURVEY

cc of 2 maps
spliced together



4-14

1 RESERVOIR = off stream in NE part NWNW

2 RESERVOIR = ON CREEK started between x's
WELL ON/NEAR QCC

} 1 in W¹/₂ NW¹/₄ = Appl. property
1 in E¹/₂ SW¹/₄ = SW¹/₄ is
Blm
land

OF WATER RESOURCES

UNITED STATES
INDIAN COVE ORTHOPHOTOGRAPHIC DEPARTMENT OF THE INTERIOR
IDAHO GEOLOGICAL SURVEY

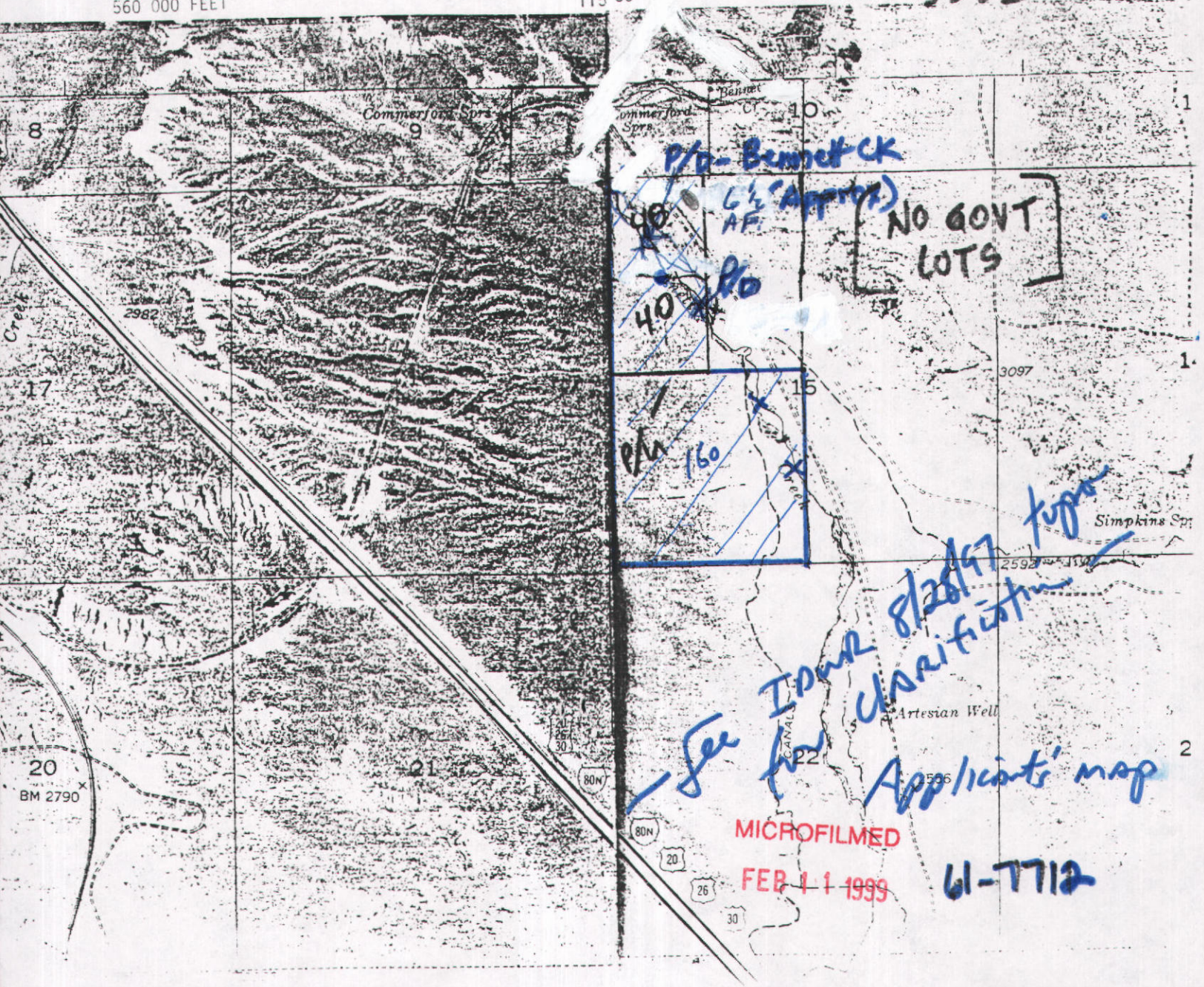
2 P/D

6 23000m.E.

558E

560 000 FEET

115°30'



WELL 05508E-17CAB1

DRILLED IRRIGATION-STOCK
WATER TABLE(?) WELL
DEPTH: 1,500 ft.
CASED TO 20 ft.
COMPLETED: 1972

#7

WELL 04510E-30BBA1

DRILLED UNUSED WATER TABLE WELL
IN GLENN'S FERRY FORMATION
REPORTED DEPTH: 2,265 ft.
CAVED TO 1,481 ft., SEPTEMBER, 1970
CASED TO 1,497 ft.
COMPLETED: 1959

#1

WELL 05510E-28CAB1

DRILLED DOMESTIC ARTESIAN WELL IN
GLENN'S FERRY FORMATION.
REPORTED DEPTH: 1,100 ft.
CASED TO 146 ft.
COMPLETED: 1969

#2

WELL 06511E-06BBA1

DRILLED DOMESTIC WATER
TABLE WELL IN GLENN'S
FERRY FORMATION.
REPORTED DEPTH: 445 ft.
CASING DEPTH: NA
COMPLETED: 1963

#4

WELL 06508E-33ABA1

DRILLED TEST WELL BY THE ARMY CORP ENG
ARTESIAN GEOTHERMAL WELL
DEPTH: 4,000 ft.
CASED TO 2,120 ft.
COMPLETED: 1959
TEMP: 130°F

#8

WELL 06507E-12ABC1

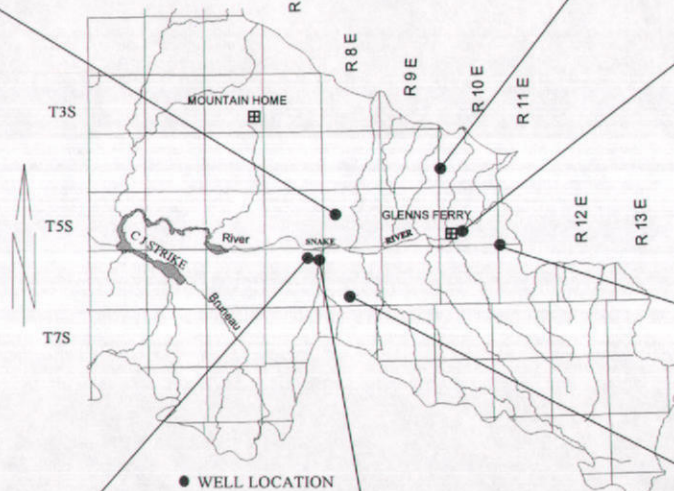
DRILLED DOMESTIC-STOCK
GEOTHERMAL ARTESIAN WELL
DEPTH: 1,250 ft.
CASING DEPTH: NA
COMPLETED: 1925
TEMP: 99°F

#9

WELL 06507E-02CDD1

DRILLED DOMESTIC GEOTHERMAL
ARTESIAN WELL
DEPTH: 1,350 ft.
CASING DEPTH: NA.
COMPLETED: 1929
TEMP: 94°F

#10



GROUND WATER HYDROGRAPHS REGIONAL

LEGEND

BASE: YEAR

LEFT SIDE: DEPTH TO WATER

RIGHT SIDE: WATER ELEVATION

ALL MEASUREMENTS IN FEET

CURRENT TO FALL, 1998

DASHED LINE INDICATES

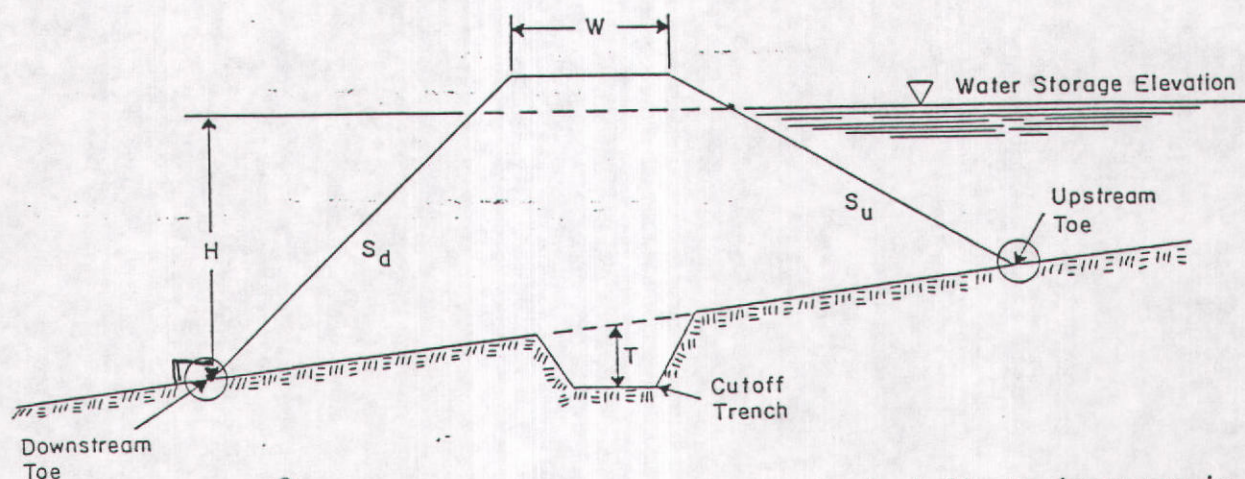
MORE THEN ONE YEAR

BETWEEN MEASUREMENTS

NA: NOT AVAILABLE

DETAILS OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) EARTH



Hydraulic Height (H) 8 feet. If dam is being raised, indicate increase in height feet.

Crest Length 10 feet. Crest (top of dam) Width (W) 80 feet.

Downstream Slope (S_d) 2%; Upstream Slope (S_u) 2%.

Depth of Cutoff Trench (T) feet.

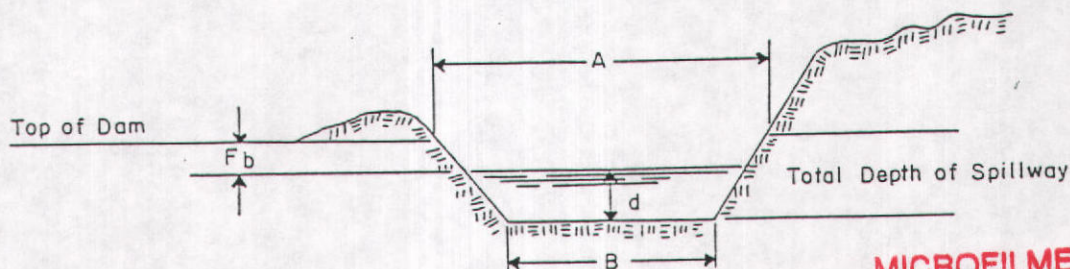
OUTLET ; ; Maximum Release Rate cfs.
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars
(also indicate spacing of collars along outlet)

SPILLWAY

☐ Service (auxiliary) Spillway, describe

☐ Emergency Spillway, Located at: ☐ left, ☐ right abutment, ☐ other location.



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Total Depth of Spillway (below top of dam) ~~12~~ 12 inches feet.

Spillway: Bottom width (B) 10 feet; Top Width (A) 10 feet.

Discharge Capacity of Spillway cfs at spillway flow depth (d) 12 inches feet.

Freeboard (F_b) 2 feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining Riprap
(Rock Cut, Rock Riprap, Other-describe)

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
61-07712 IN THE NAME OF RICHARD)
MATTHEW ARELLANO, ET. AL.)
_____)

PRELIMINARY ORDER

FINDINGS OF FACT

1. On January 19, 1999, the Department of Water Resources ("Department") issued Permit No. 61-07712 ("permit") in the name of Richard Matthew Arellano, et. al. ("permit holder") authorizing the diversion of 1.6 cubic feet per second from ground water and from Bennett Creek tributary to the Snake River to be used for irrigation, stockwater, commercial, wildlife and recreation purposes in Elmore County, Idaho. On the application for permit, the permit holder stated that he was not seeking ground water with a temperature greater than 85 degrees Fahrenheit.

2. In July 2001, the permit holder advised the Department that the new well being constructed under terms of the permit produced low temperature geothermal water and on November 16, 2001 submitted a Request For Exemption of Use of the Low Temperature Geothermal Resource.

3. Cold water that normally would be encountered at depths of 30 to 60 feet is not readily available in the vicinity of the permit holder's well, since the well would have encountered cold water if it were available at the well site.

CONCLUSIONS OF LAW

1. Section 42-233(1) provides as follows:

The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eight-five (85) degrees or less in a well available; (iii) the exemption is in the public interest.

2. In the general vicinity of the permit holder's proposed use of water, competing applications for alternative uses of the low temperature geothermal resource have not been filed and are not pending before the Department.

3. The availability of ground water having a bottom hole temperature of eight-five (85) degrees Fahrenheit or less in the vicinity of the newly constructed well is limited and is not readily available.

4. The use of the low temperature geothermal ground water resource by the permit holder as authorized by the permit is in the public interest as conditioned in the order below.

ORDER

IT IS THEREFORE HEREBY ORDERED that use of the low temperature geothermal water resource by the permit holder for the uses authorized by the permit is **EXEMPT** from the requirements of Section 42-233(1), Idaho Code, provided that:

- a) The permit holder complies with the conditions of approval on the permit.
- b) Direct diversion from the well for irrigation use or to storage is not authorized.
- c) The permit holder uses the low temperature geothermal water for authorized uses that benefit from the heat in the water before the water is authorized for irrigation use or storage.
- d) The permit holder maintains the surety bond for one year after water use under terms of the permit begins and provides evidence of compliance to the department.
- e) The permit holder maintains construction of the well so that cold water can not mix with the low temperature geothermal water encountered in the well.

Dated this 3rd day of December, 2001.



L. GLEN SAXTON, Chief
Water Allocation Bureau

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JAN 03 2002

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 61-07712

Proposed Priority: July 25, 1997 Maximum Diversion Rate: 1.60 CFS

This is to certify, that RICHARD MATTHEW ARELLANO
RYAN E ARELLANO
MATTHEW MCKENZIE ARELLANO
COREY K ARELLANO
JEREMY RUSSELL SHERMAN
JENNIFER DIANE ARELLANO
JUANITA R ARELLANO
KIMBERLY DANIELLE ARELLANO
REBECCA VICTORIA MAY ARELLANO
ROSS S ARELLANO
PO BOX 93
HAMMETT ID 83627-0093

has applied for a permit to appropriate water from:
BENNETT CREEK tributary of SNAKE RIVER
GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.60 CFS	
IRRIGATION STORAGE	01/01 to 12/31		190.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		190.0 AF
STOCKWATER STORAGE	01/01 to 12/31		190.0 AF
COMMERCIAL STORAGE	01/01 to 12/31		190.0 AF
WILDLIFE STORAGE	01/01 to 12/31		190.0 AF
RECREATION STORAGE	01/01 to 12/31		190.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.60 CFS	
	Totals	1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 15, Township 05S, Range 08E
SWNW , Sec. 15, Township 05S, Range 08E
NESW , Sec. 15, Township 05S, Range 08E
SESW , Sec. 15, Township 05S, Range 08E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	08E	15	NWNW 40.0	SWNW 40.0		80.0

Total number of acres irrigated: 80.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **MICROFILMED** 2004.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 61-07712

CONDITIONS OF APPROVAL AND REMARKS

2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 61C.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
9. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
10. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
11. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
12. The issuance of this right does not grant any right-of-way or easement across the land of another.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 61-07712

CONDITIONS OF APPROVAL AND REMARKS

13. Stockwater use is for 250 range cattle and 1000 sheep.
14. Recreation storage and commercial storage are for a fish pond.
15. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
16. Any dam constructed to store water under this right shall not exceed 10 feet in hydraulic height and shall not impound more than 50 acre feet of water unless the dam is certified and the storage authorized by the Department in accordance with the dam safety provisions of the Idaho Code.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

19th day of January, 1999.

J. Glen Saxton
for Karl J. Dreher, Director

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Ident. No. 61-07712A

RECEIVED

SEP 16 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: COREY K ARELLANO
Address: PO BOX 93
HAMMETT ID 83627
208-346-2722 ~~(208) 366-2477~~ or ~~(702) 635-9075~~
Name: REBECCA VICTORIA MAY ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RICHARD MATTHEW ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JEREMY RUSSELL SHERMAN
Address: PO BOX 93
HAMMETT ID 83627

Name: MATTHEW MCKENZIE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: RYAN E ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: ROSS S ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: KIMBERLY DANIELLE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JUANITA R ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

Name: JENNIFER DIANE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

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2. Source: BENNETT CREEK
GROUNDWATER

Trib. to: SNAKE RIVER

3. Location of Point of Diversion: NWNW Sec. 15, Township 05S, Range 08E
 SWNW Sec. 15, Township 05S, Range 08E
 NESW Sec. 15, Township 05S, Range 08E
 SESW Sec. 15, Township 05S, Range 08E
 ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.600		
IRRIGATION STORAGE	01/01	12/31			190.00
IRRIGATION FROM STORAGE	04/01	10/31			190.00
STOCKWATER STORAGE	01/01	12/31			190.00
COMMERCIAL STORAGE	01/01	12/31			190.00
WILDLIFE STORAGE	01/01	12/31			190.00
RECREATION STORAGE	01/01	12/31			190.00
DIVERSION TO STORAGE	01/01	12/31	1.600		

5. Total quantity to be appropriated is:
 1.600 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
 WELL & PUMP PLUS 2 ONSTREAM DAMS, 1 OFFSTREAM DAM
- Height of storage dam 10 feet; active reservoir capacity 190.00 acre-feet; total reservoir capacity 190.00 acre-feet; period of year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- Proposed well diameter is 12 inches; proposed depth of well is 500 feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
 Drilling Firm
 Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05S	08E	15	NWNW 40	SWNW 40		80

Total number of acres irrigated: 80

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

- Who owns the property at the point of diversion?
 APPLICANT & BLM
- Who owns the land to be irrigated or place of use?
 APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.
 APPLICANT IS SEEKING A DLE

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10. Remarks:

Applicant agrees to mitigate consumptive use in the future as needed.

Application split into A & B portions to separate place of use into private and federal ownership. 61-07712A describes the private land as a place of use.

Storage component duplicates storage described by 61-07712B

11. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Cory K. Guller
Applicant 09-3-98

Received by SL Date 7/25/97 Time 4:55 Preliminary check by lg

Fee \$ 180.00 Received by SL #W022849 Date 7/25/1997

Publication prepared by SE Date 3/25/98 Published in M H News

Publication approved ST Date 9/14/98 ^{4-1 #8, 98}

Stockwater for 250 beef cattle & 1000 Sheep.
Commercial Storage & Recreation Storage for fish pond

per comments* 9/23/98 cz.

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INDIAN COVE QUADRANGLE

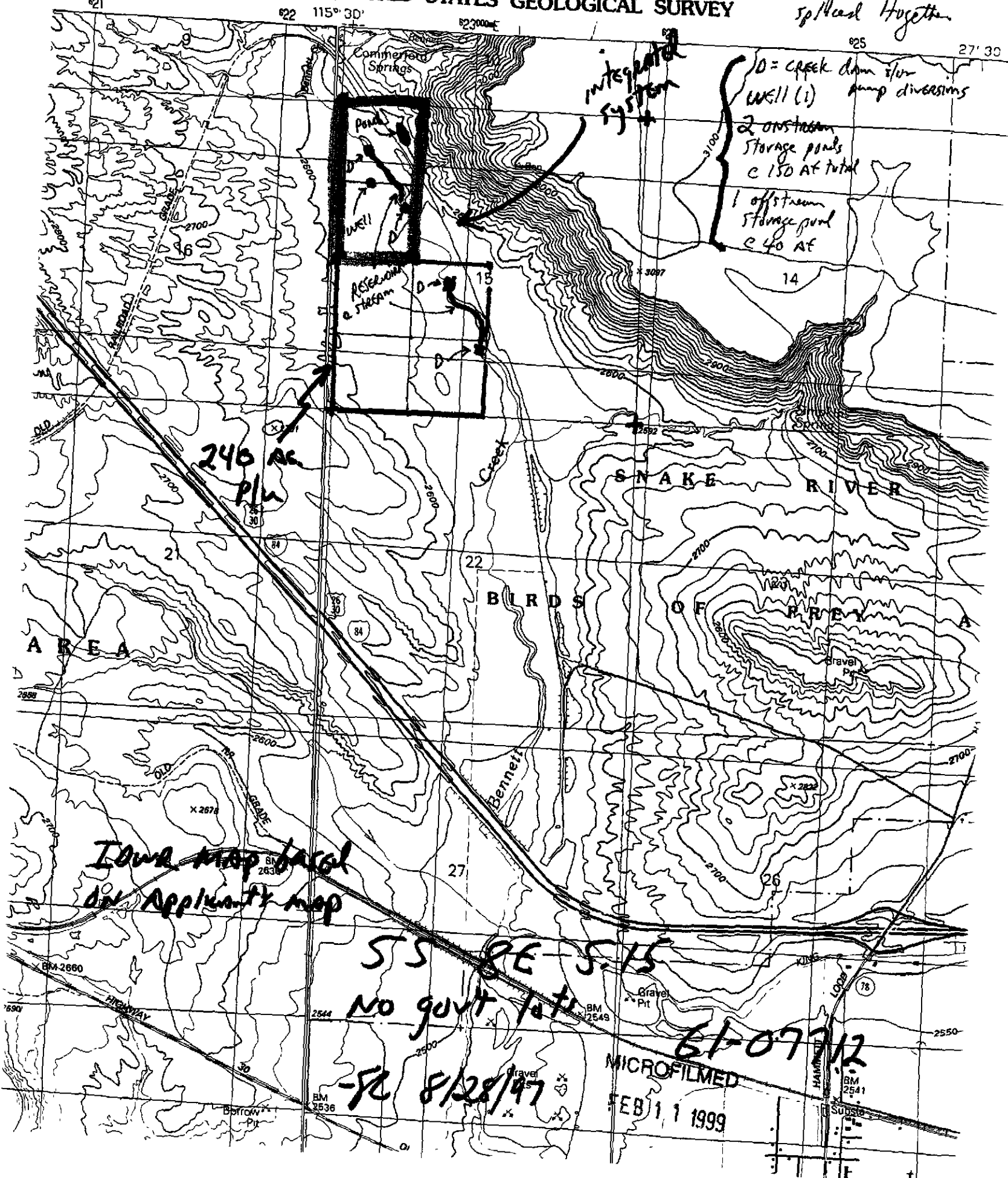
IDAHO AA14

MINUTE SERIES (TOPOGRAPHIC)

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

all of 2 grade
split head together



14

1 RESERVOIR off stream in NE part NW 1/4

2 RESERVOIRS ON CREEK started between X's
WELL ON/NEAR QX

} 1 in W 1/2 NW 1/4 = appl. property
1 in E 1/2 SW 1/4 = SW 1/4 is
BLM
land

OF WATER RESOURCES

UNITED STATES
INDIAN COVE ORTHOPHOTOQUAD DEPARTMENT OF THE INTERIOR
IDAHO GEOLOGICAL SURVEY

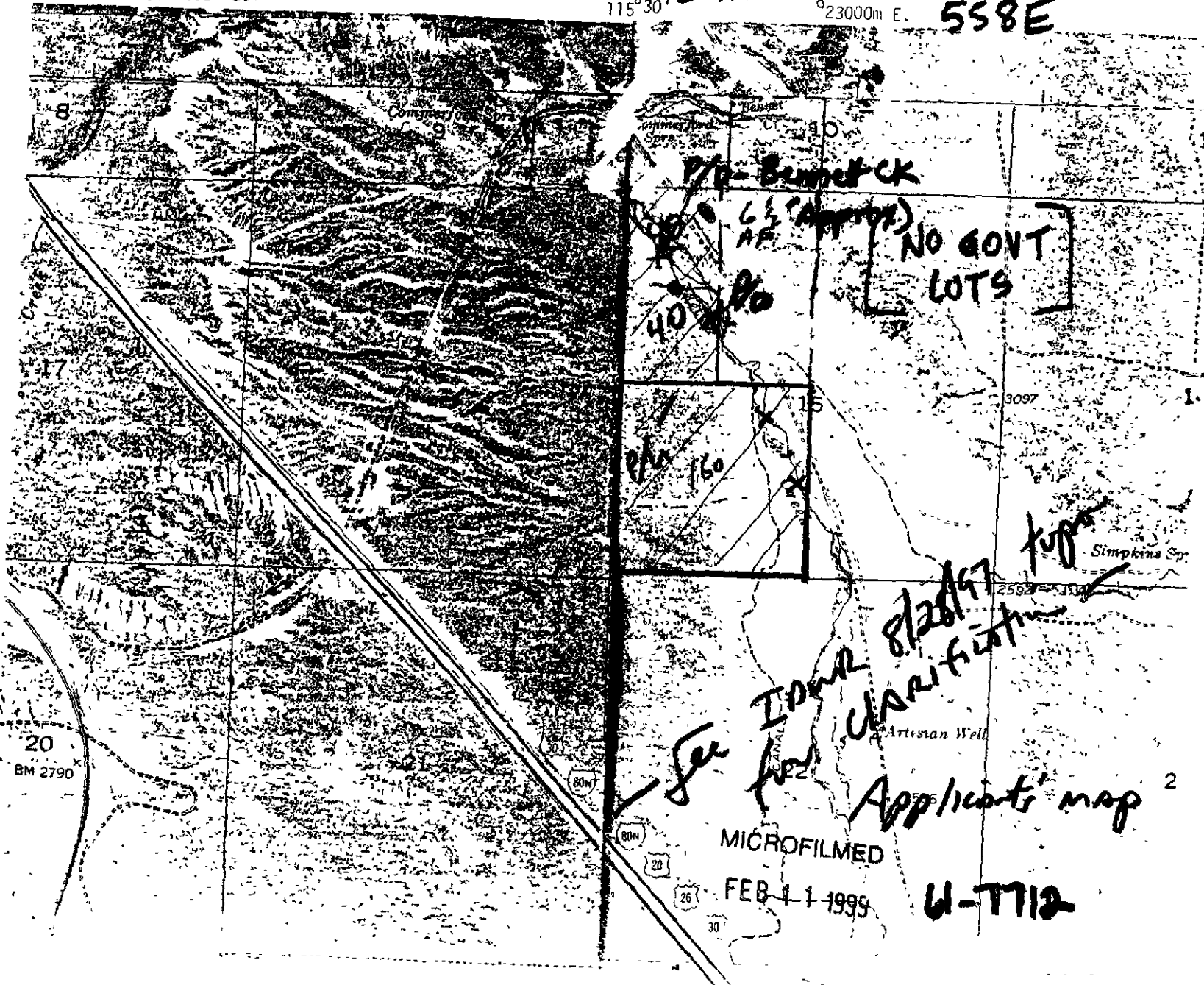
560 000 FEET

115°30'

2 P/D

23000m E.

558E



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: COREY K ARELLANO
Address: PO BOX 93
HAMMETT ID 83627
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- Name: MATTHEW MCKENZIE ARELLANO
Address: PO BOX 93
HAMMETT ID 83627

SPLIT

2. Source: BENNETT CREEK
GROUNDWATER

Trib. to: SNAKE RIVER

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3. Location of Point of Diversion: NWNW Sec. 15, Township 05S, Range 08E
 SWNW Sec. 15, Township 05S, Range 08E
 NESW Sec. 15, Township 05S, Range 08E
 SESW Sec. 15, Township 05S, Range 08E
 ELMORE County

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IRRIGATION FROM STORAGE	04/01	10/31			190.00
STOCKWATER STORAGE	01/01	12/31			190.00
COMMERCIAL STORAGE	01/01	12/31			190.00
WILDLIFE STORAGE	01/01	12/31			190.00
RECREATION STORAGE	01/01	12/31			190.00
DIVERSION TO STORAGE	01/01	12/31	4.800		

5. Total quantity to be appropriated is:
 4.800 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
 WELL & PUMP PLUS 2 ONSTREAM DAMS, 1 OFFSTREAM DAM
- Height of storage dam 10 feet; active reservoir capacity 190.00 acre-feet; total reservoir capacity 190.00 acre-feet; period of year when water will be diverted to storage: 1/01 to 12/31 inclusive.
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- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
 Drilling Firm
 Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
05S 08E 15	NWNW 40	SWNW 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	240

Total number of acres irrigated: 240

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

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9. a. Who owns the property at the point of diversion?
APPLICANT AND BLM
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
APPLICANTS = IN NW 1/4 , BLM = IN SW 1/4 ; WILL OBTAIN BLM USE PERMIT

- * 10. Remarks: *Applicant agrees to mitigate consumptive use in the future as needed.*
11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Cory L. Quellan
Applicant

Received by SL Date 7/25/97 Time 4:55 Preliminary check by LG
Fee \$ 180 Receipted by SL # W022849 Date 7/25/97
Publication prepared by SL Date 3-25-98 Published in M.H. News
Publication approved SL Date 9-14-98 ⁴⁻⁸⁻⁹⁸

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* added to db 3/24/98. LG

Comments: Date: 7/25/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Appl. initiated in 1995 but not completed and paid for until now. Single well on/near line between NWNW & SWNW. Use of this right to be supplemental to lands irrigated under 61-02011/61-07711 (creek) and 61-07710 (well).

Two on-stream storage sites (@150 af) & additional off-stream site (@40 af) will be served by creek and well water.

Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by federal government (BLM). Special use permit from BLM will be obtained for public land portion.

Commercial = for profit recreation etc. use @ ponds; Recreation is for personal use of same (fishing etc.).

Application held at Region pending processing changes.

Comments: Date: 8/28/1997 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION CONTINUED

Onstream storage sites (2) will each be a dam to back up water along a reach of Bennett Creek. Possibly, another creek P/D may occur at upper end of each pool (perhaps a pump?). Thus, could have a creek P/D at either end of long narrow storage ponds as shown on topo. The offstream storage pond will obtain water that is pumped from integrated creek/well system. This offstream pond is above (east) of railroad tracks.

Applicant submitted appl. for small dam(s) with this water right appl. - but both filings must be held pending processing changes.

Need to identify type/number of stock (Corey A. said it's same as listed in SRBA claims - check those first). Also note that P/U for storage will be all QQ's except W 1/2 SW 1/4 instead of same as irrigation. CFS may need to be reduced for acres to extent that well and live flow from creek (see rights i.d. in 7/25/97 Comments) already provide 1"/acre.

Applicant will also have to provide large diversion info at least to extent that supplemental use requires that response.

Surface and ground water sources to be integrated into 1 common storage and delivery system so everything can be listed in one application.

250 beef, 1000 Sheep. A61-11830 & A61-11831. 9/23/98.

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ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 61-7712

Reviewed By dgibson

Date: January 27, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?	X	
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	W031257		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	01/23/2004	New proof due date	02/01/2009
Date proof due	- 02/01/2004		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 07/25/1997		
New priority date	= 07/25/1997		

Action Taken

Acknowledge request and extend proof deadline to 2/1/2009.

Extension based on government delay. Waiting for BLM Conditional Use permit.

Drawnet 2

ROUTING SLIP

Distribution	Provided for your:	
Date: 1/23/04	Information	
To: Debbie Gibson	Comments	
From: [Signature]	Approval	✓
	Signature	

Special Notes: Acellamer Extension 01.712:

Corey filed this today while providing
other info & separate although related
issues. I recall our confusion & all this
a couple months ago. Appears Extension

looks ok from what I can tell.
Let me know if anything is unclear.

Thanks

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 61-7712

6. 120 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit
7. 18A The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
8. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
9. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- 10 R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above

Remarks:

1. General Stockwater use is for 250 range cattle and 1000 sheep.
Recreation storage and commercial storage are for a fish pond
The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
Any dam constructed to store water under this right shall not exceed 10 feet in hydraulic height and shall not impound more than 50 acre feet of water unless the dam is certified and the storage authorized by the Department in accordance with the dam safety provisions of the Idaho Code

Comments

1. SLESTER 7/25/1997 ADDITIONAL INFORMATION

Comment Appl. initiated in 1995 but not completed and paid for until now. Single well on/near line between NWNW & SWNW Use of this right to be supplemental to lands irrigated under 61-02011/61-07711 (creek) and 61-07710 (well). Two on-stream storage sites (@150 af) & additional off-stream site (@40 af) will be served by creek and well water. Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by federal government (BLM) **Special use permit from BLM will be obtained for public land portion.** Commercial = for profit recreation etc. use @ ponds; Recreation is for personal use of same (fishing etc.) Application held at Region pending processing changes

2. SLESTER 8/28/1997 ADDITIONAL INFORMATION CONTINUED

Comment: Onstream storage sites (2) will each be a dam to back up water along a reach of Bennett Creek. Possibly, another creek P/D may occur at upper end of each pool (perhaps a pump?). Thus, could have a creek P/D at either end of long narrow storage ponds as shown on topo. The offstream storage pond will obtain water that is pumped from integrated creek/well system. This offstream pond is above (east) of railroad tracks. Applicant submitted appl. for small dam(s) with this water right appl - but both filings must be held pending processing changes. Need to identify type/number of stock (Corey A. said it's same as listed in SRBA claims - check those first) Also note that P/U for storage will be all QQ's except W 1/2 SW 1/4 instead of same as irrigation. CFS may need to be reduced for acres to extent that well and live flow from creek (see rights i.d. in 7/25/97 Comments) already provide 1"/acre. Applicant will also have to provide large diversion info at least to extent that supplemental use requires that response. Surface and ground water sources to be integrated into 1 common storage and delivery system so everything can be listed in one application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2003

COREY ARELLANO ET AL
PO BOX 93
HAMMETT ID 83627

RECEIVED

MAY 9 2003

Department of Water Resources

Re: Use of a Low Temperature Geothermal Well

Dear Corey:

The low temperature geothermal ("hot water") well drilled in 2001 on your property presents problems in amending Permit 61-7712. That permit authorized a cold water well and Bennett Creek for several beneficial uses. You filed an application to amend the permit a few days ago during your office visit. The amendment application seeks to add non-consumptive uses to first utilize water from the well for heat value before using it for other uses.

Amending the permit appeared to be the best option during your recent visit. Additional discussion with staff, including the regional manager, suggests a different route is needed to authorize use of your new well. It is not unusual in complex situations for a solution to be found only after considerable discussion among several staff members. That is the case here. In hindsight, I could have provided a better service to you by recommending that you file something after your case could be discussed in more detail by department staff.

I regret any inconvenience this rethinking might cause. A better understanding of this situation leads to the following conclusions. Please refer to the enclosed copies of Idaho statutes referenced in this letter.

The department cannot approve an expansion of use in amending a permit. Permit 61-7712 was not approved for a hot water source. Any use of hot water for a primary heat value would be an expansion of use under the permit due to these limitations. If you intend to utilize the heat value of the well, you should file a new application for permit for the new use(s). The new application can include power as a secondary use of the water used for heating. Assuming the new application could be approved, the same water could then be used for beneficial uses under 61-7712. This would satisfy the requirements of I. C. § 42-233 regarding a hot water well. The well would be used for its heat value under a new permit, and the same amount of water could be reused under 61-7712 without amending or seeking a "hot water waiver" for 61-7712.

The well might produce more water than can be beneficially used for heating. In that case you could seek a waiver for use of the "extra water" for non-heating purposes in permit 61-7712. This is unlikely as explained in the next paragraph.

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Corey Arellano et al
May 7, 2003
Page 2

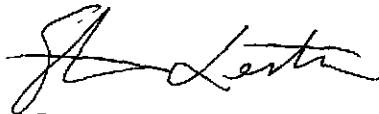
Because you indicated you do want to use the heat value from the well, enclosed is an application for permit and instructions to seek a new permit for a new use(s). Ask for the \$50 amendment fee you paid the other day to be applied to the total fee in a new application for permit. Be sure to submit the balance due, if any, with your new application. I also enclosed a worksheet for heating based on the information you provided. The worksheet suggests 1.28 cfs or about 575 gpm would be needed to heat as indicated. This probably exceeds possible well production by quite a lot. It is unlikely that "extra water" would be available from the well for which to seek a waiver.

If you do not seek to use the hot water for heating but want to use it for uses currently approved for cold water in 61-7712, you can seek a waiver to the heat value requirement under I. C. § 42-233. All three factors described in the statute must be established to obtain a waiver. A waiver would allow you to use the well for non-heating uses in your existing permit. If this is the case, submit written justification for a waiver. Ask for a refund of the \$50 amendment fee.

You asked about using the well for domestic purposes exempted from mandatory water right requirements under I. C. § 42-111 (limited house and/or stock water use associated with a home). This is somewhat of a gray area. You can use the well for limited domestic and/or stock water purposes. But that use must be within the limits of I. C. § 42-1602 for a flowing artesian well (department information indicates this is a flowing artesian well). Exempted use of the well does not authorize diverting water from the well to the pond(s) but would allow diverting water directly to the home and/or stock tanks within statutory limits. To obtain the best possible protection of the exempted use, you should include it in a new application for permit.

Your application to amend permit 61-7712 is returned since it does not provide a solution to this situation. Please remember to ask for the \$50 to be applied towards a new filing or to ask for a refund if you decide not to file anything. I realize this might be a confusing issue and would be glad to discuss it in more detail. Please call me at 334-2190 to talk about it or to make an appointment for an office visit.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures

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2004 1 17



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 27, 2002

Corey Arellano
P O Box 93
Hammett, ID 83627

RE: PERMIT NO. 61-07712

Dear Mr. Arellano:

On February 14, 2002, you contacted Debbie Gibson of this office requesting a list of beneficial uses that can be associated with the utilization of heat in low temperature geothermal water. Debbie has referred your inquiry to me for response.

While I can't give you a "laundry list" of such beneficial uses, I can generally tell you that typical beneficial uses that the department has recognized in the past as utilizing heat in low temperature geothermal water include space heating applications, such as in greenhouses or homes, heat exchange applications and recreational uses such as the heating of swimming pools.

I hope this information will be of use to you.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region
Debbie Gibson

MICROFILMED

MEMORANDUM

TO: Glen Saxton
FROM: Deborah Gibson *alg*
DATE: February 15, 2002
RE: Corey Arellano's Permit Nos. 61-7712 and 61-7726

I spoke to Corey Arellano on February 14 by phone about the Request for Extension he filed for 61-7726. His call was in response to a letter I sent to him dated February 12, 2002. The request referenced both of his permits one of which is a geothermal well (Permit No. 61-7712 – proof due 2/1/2004) and the cold water artesian well associated with 61-7726, which proof is presently due on 2/1/2002. After our conversation on Thursday he will follow-up with me by filing an amended request for extension of time which will be specific to the development of only permit 61-7726.

The part I need your help with is that Corey has requested a written list from us of uses for the geothermal water in permit no 61-7712 that the department will authorize. He feels that he needs some definite input from the department on what forms of use he can apply this warm water in order to meet the conditions as ordered on December 3, 2001, regarding the 61-7712 permit. He wants this information to avoid additional expenses relating to the development that would not be approved. Corey has spoken to you about using the warm water for piping it along new plantings of grape vines for his vineyard. Another alternate use he would agree to, is for use in a greenhouse.

Can you do that? I am attaching both permit files for your information. Please let me know of your decision. Thank you.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 4, 2001

RICHARD MATTHEW ARELLANO, ET AL
PO BOX 93
HAMMETT ID 83627-0093

RE. Preliminary Order in the Matter of Permit No 61-07712

Dear Applicant(s):

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

Please be sure to read the conditions of approval included in this Preliminary Order as identified by a) through e).

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeff Peppersack', is written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on **December 4, 2001**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below.

RE: Preliminary Order in the Matter of Permit No. 61-07712

**RICHARD MATTHEW ARELLANO, ET AL
PO BOX 93
HAMMETT ID 83627-0093**


Kari Lynn Townsend
Secretary

RECEIVED
DEC 11 2001
FBI - HAMMETT

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

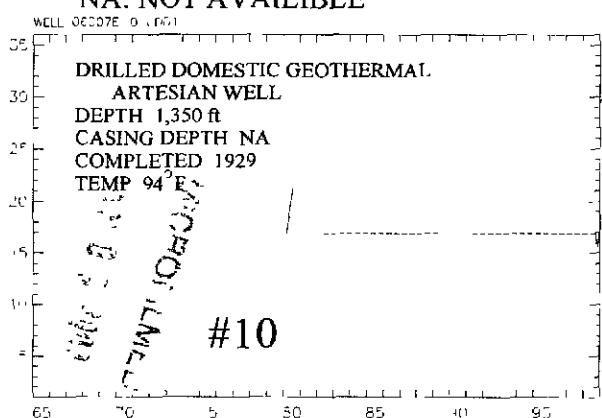
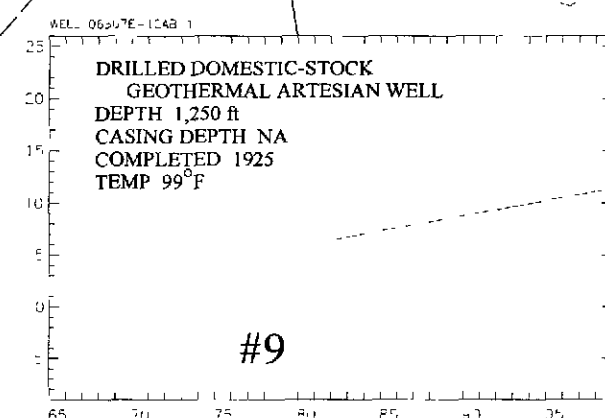
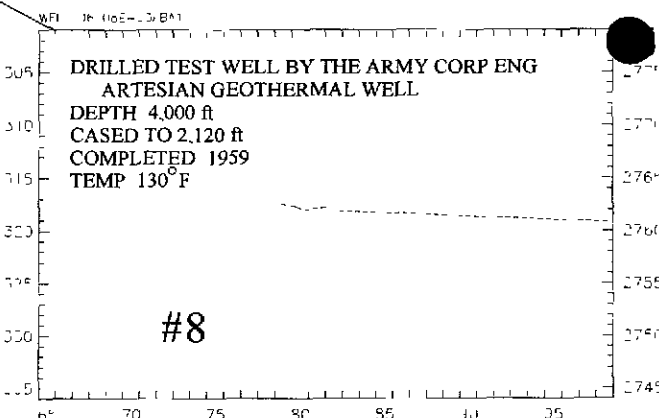
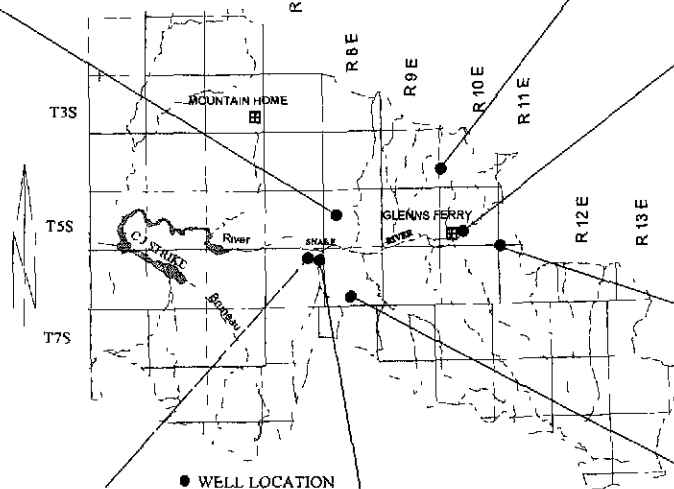
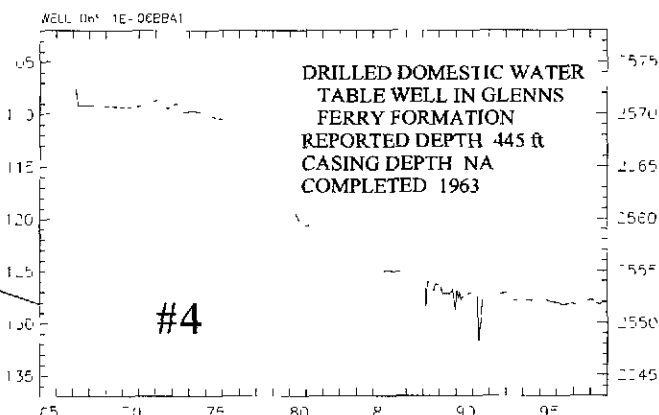
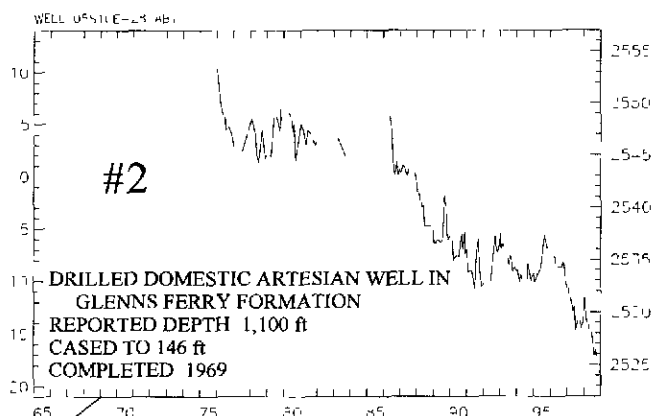
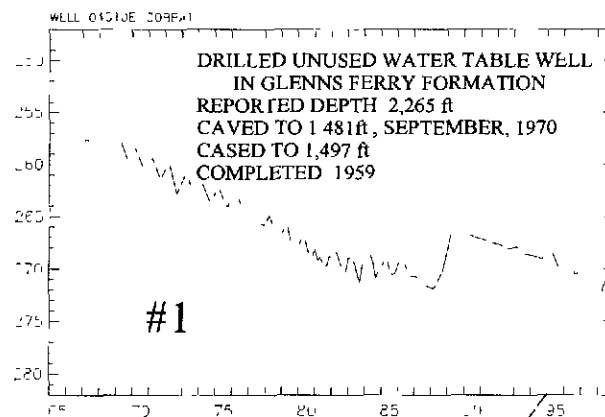
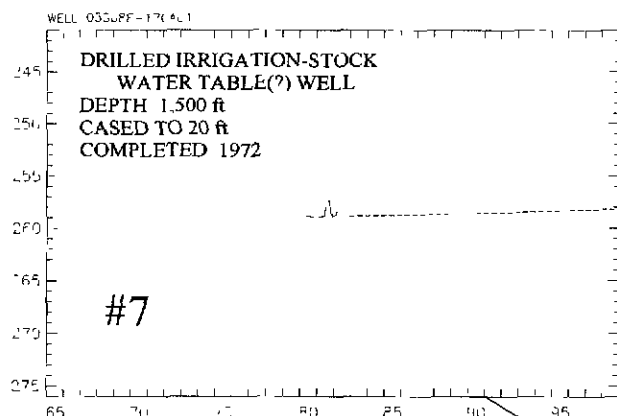
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICHAEL L. LEE



GROUND WATER HYDROGRAPHS REGIONAL

LEGEND

BASE YEAR

LEFT SIDE: DEPTH TO WATER

RIGHT SIDE: WATER ELEVATION

ALL MEASUREMENTS IN FEET

CURRENT TO FALL, 1998

DASHED LINE INDICATES

MORE THEN ONE YEAR

BETWEEN MEASUREMENTS

NA: NOT AVAILABLE

Inspected by _____
 Twp _____ Rpt _____ Sec _____
 1/4 _____ 1/4 _____ 1/4 _____
 Lat _____ Long _____

1970

MEMORANDUM

To: File 61-7712

From: Cynthia Bridge Clark *cc*

Date: November 28, 2001

RE: Request for exemption of use of Low Temperature Geothermal Resource

On November 16, 2001, the department received a Request for Exemption of Use for Low Temperature Geothermal from Mr. Cory Arellano. The specifics of the applicant's situation were reviewed as per Norman Young's Administrative Memorandum dated April 29, 1991, and section 42-233, Idaho Code.

Water right permit no. 61-7712 and drilling permit no. D0018824 were obtained for development of a well whose water is to be combined with natural flow and stored water from Bennett Creek for storage, irrigation, and other uses. The applicant notified the department that water greater than 85 degrees Fahrenheit was encountered in the well during drilling. The applicant then obtained approval from the department to complete drilling in order to control flow from the artesian well. According to John Carlson and Rob Whitney of the IDWR well drilling section, there are no immediate concerns with the well construction or the requirements of the drilling permit. A surety bond was provided by the applicant as specified in section 42-233, Idaho Code, for the completion of the low temperature geothermal well.

Section 42-233, Idaho Code, outlines criteria under which the director may exempt the use of a low temperature geothermal resource for heat purposes. The criteria are described below:

1. Is there a feasible alternative use of the resource?
 - A feasible alternative use has not been identified for the water sought to be appropriated. In a telephone conversation on November 20, 2001, the applicant indicated that he plans to use at least a portion of the water for heating homes, greenhouses, and swimming pools prior to the end of the permit's development period. Use of the heat resource would require an amendment to the permit, or a future transfer. In addition, these applications of heat development are unlikely to make use of the entire diversion rate provided by the permit. Therefore, it is unclear as to whether the geothermal resource could be "utilized primarily for its heat value" as specified in section 42-233, Idaho Code.
2. Is there an economically viable alternative source of cold water?
 - In both a telephone conversation and the written responses provided on the request for exemption form, the applicant stated that there is no additional surface water or groundwater available for appropriation.
 - Helen Harrington of the IDWR Groundwater Monitoring section submitted a review of the geohydrology in the Hammet area (see memorandum dated

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JAN 12 2002

November 20, 2001). In the review, she notes that cold water in the area is only found in shallow wells, and that most of the wells demonstrate low yields. It is therefore unlikely that the applicant could satisfy the demands of the water right permit with a coldwater groundwater source in the area.

3 Is the exemption in the public interest?

- I could not identify any reasons why the project would not be in the public interest

There are clear water resource constraints in the area limiting the economic viability of an alternative source of cold water. The questions of feasible alternative use and public interest are less clear. Based on my review of this matter, I recommend the department issue a permit with suitable conditions.

WICR 1.14.14

10/1/14

MEMORANDUM

To: Cynthia Bridge Clark
From: Helen Harrington · *CH*
Regarding: Geothermal Resources in the Hammet Area
Date: November 20, 2001

As you requested, I reviewed the hydrogeology of the Hammet area to determine the availability of non-geothermal ground water in the area.

The aquifers in the area are found in the clay, sand and silt beds of the Glenns Ferry Formation. The formation is 2,000 feet thick around Glenns Ferry and likely greater than 1,000 near Hammet. A shallow cold-water aquifer and a deeper warm-water aquifer are found in the area.

The cold-water aquifer lies near the creeks recharged by stream flow. Previous fieldwork has indicated the cold-water aquifer has a saturated thickness of less than 100 feet. Around Hammet, producing zones are generally encountered at depths of 30-60 feet. Below that, no producing zones were found. A review of well logs indicated that the yield from these wells is low, ranging from 3.5 gpm to around 60 gpm. Only one well log indicated a higher rate of flow of 120 gpm and this well is not in close proximity to the proposed location (T5S R8E S15).

The deeper warm water aquifer also generally yields low flows and is encountered at depths greater than 600 feet. Water quality in the warm water aquifer has found high fluoride concentrations and may limit suitability for some uses.

Overall, most wells in the area are expected to have low yields and cold water is only available in shallow wells recharged from nearby creeks.

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NOV 21 2001

Drilling Permit No. _____
Tag No. D0018824
Work Completion Date _____

State of Idaho
Department of Water Resources

LOW TEMPERATURE GEOTHERMAL RESOURCE WELL
SURETY BOND

Bond No. 1653601

Name of Surety Hanover Insurance Company

Address of Surety - Street or PO Box 440 Lincoln St.

City Worcester State MA Zip Code 01605

KNOW ALL MEN BY THESE PRESENTS: That Corey K. Arellano
(Well Owner)

as principal, and Hanover Insurance Company as corporation, duly organized and doing business
(Surety)

under and by virtue of the laws of the State of Massachusetts, and authorized to do business in the State of Idaho, and duly licensed for the purpose of making, guaranteeing or becoming sole surety upon bonds or undertakings required or authorized by the laws of the State of Idaho, as surety, are held and firmly bound unto the people of the State of Idaho through the Director, Department of Water Resources, (Director) in the sum of TWENTY thousand dollars (\$ 20,000.00), lawful money in the United States of America, for the payment whereof well and truly to be made, we bind ourselves, of heirs, executors, successors and assigns, jointly and severally firmly by these presents.

WHEREAS, under the terms of Section 42-233(2), Idaho Code, a surety bond is required of said principal and good sufficient surety, payable to the people of the State of Idaho through the Director, and conditioned upon the faithful and honest compliance with Chapter 2 and Chapter 40, Title 42, Idaho Code, and with the rules and regulations promulgated pursuant thereto by the Director for the construction, operation and maintenance of a low temperature geothermal resource well located in:

Township 5 S, Range 8 E, Section 15, 1/4 1/4 1/4, County ELMORE,
Lot _____ Block _____ Subdivision Name _____

This bond shall remain in force for one (1) year following completion of drilling, redrilling, modifying or deepening of the well or until released in writing by the Director, whichever occurs first.

NOW, THEREFORE, if the above bounden principal shall faithfully and honestly maintain and operate the well in compliance with the provisions of said statutes and rules and regulations, then this obligation shall be null and void; otherwise to remain in full force and effect.

This bond may be canceled by the surety by the sending of notice in writing to the obligee, stating when, not less than thirty days thereafter, liability hereunder shall terminate as to subsequent acts or omissions of the principal.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS THIS 1st day of November 2001

COUNTERSIGNED

By N/A
(Seal)

Resident Idaho Agent

Address N/A

Corey K. Arellano
(Signature of Owner)

Hanover Insurance Company (Seal)
(Surety Company)

John M. Archer (Seal)
Attorney-in-Fact
John M. Archer

**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY**

**POWERS OF ATTORNEY
CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire do hereby constitute and appoint **John M. Archer, Margaret S. Patton and/or Amy J. Sharpe**

of **Burlington, NC** and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed, at any place within the United States, or, if the following line be filled in, only within the area therein designated

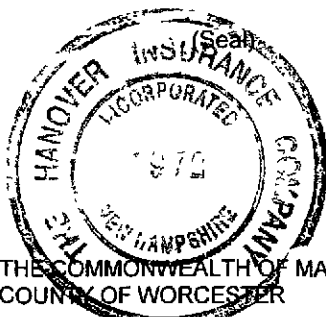
any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows

**- Any such obligations in the United States,
in any amount -**

And said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect

"RESOLVED, That the President or any Vice President, in conjunction with any Assistant Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons " (Adopted October 7, 1981 - The Hanover Insurance Company, Adopted April 14, 1982 - Massachusetts Bay Insurance Company)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY AND MASSACHUSETTS BAY INSURANCE COMPANY have caused these presents to be sealed with their respective corporate seals, duly attested by a Vice President and an Assistant Vice President, this **1st** day of **November, 2000**

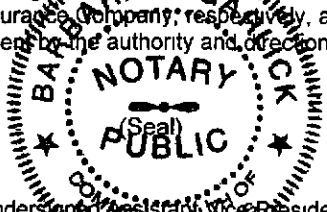


**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY**

Richard H. [Signature]
Vice President
Ronald [Signature]
Assistant Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss

On this **1st** day of **November, 2000**, before me came the above named Vice President and Assistant Vice President of The Hanover Insurance Company and Massachusetts Bay Insurance Company, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company and Massachusetts Bay Insurance Company, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations



Barbara A. Harlick
Notary Public

My Commission Expires **November 26, 2004**

I, the undersigned, Notary Public of The Hanover Insurance Company and Massachusetts Bay Insurance Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company and Massachusetts Bay Insurance Company.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Assistant Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile " (Adopted October 7, 1981 - The Hanover Insurance Company, Adopted April 14, 1982 - Massachusetts Bay Insurance Company)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this **1st** day of **November**, **2001**

**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY**

Charles J. [Signature]
Assistant Vice President

MICHAEL

NOTARY PUBLIC

Printed 11/19/2001
Ident No. 770068
Well Tag No. D0018824
Well ID # 342029
Receipt #
Approved Date 07/23/2001

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT**

Relationship: Applicant
Name: CORY ARRELLANO
Address: BOX 93
HAMMETT ID 83627

Phone:

Proposed Well Location: Township 05S, Range 08E, Section 15, SW, NW
COUNTY ELMORE

Street Address of Well Site: HAMMETT HILL AND HWY 30
HAMMETT ID

Proposed Use of Well: Irrigation

Well Construction Information:

- A. New Well
- B. Proposed Surface Diameter: 8 Inches. Proposed Depth 200 Feet.
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Jul 23 2001

Anticipated Well Drilling Company: HIDDLESTON & SON INC (No. 35)

Applicant's Signature: _____ Date _____

Title: _____

RECEIVED

NOV 19 2001

Well ID # 342029

Well Tag No. D0018824

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Monday, July 23, 2001.

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100 ft. from any drainfield and 50 ft. from any septic tank. Public Water Supply wells must not be drilled closer than 100 ft. from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is &DIG-LINE-NUMBER
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.

Signature of Authorized Dept. Representative

Title

2001-07-23
2001-07-23

REQUEST FOR EXEMPTION OF USE
OF THE LOW TEMPERATURE GEOTHERMAL RESOURCE

RECEIVED
NOV 16 2001
DEPARTMENT OF WATER RESOURCES

Purpose: To allow for use of Low Temperature Geothermal waters (greater than 85°) to be developed for purposes other than for its heat value as outlined under Section 42-233(1), Idaho Code.

Please Complete the Following:

1. Well Owner's Name COREY K ARELLANO
Mailing Address Box 93
City Hammett State ID. Zip Code 83627
Phone 208-366-2722
NW NW
2. Legal Description of Well Location: SW NW 1/4, Section 15,
T 05S, R 08E, B.M. County ELMORE

Street address or written detailed description of location of well site from local roads, buildings, streams, or other landmarks:

off of Freeway Exit 112
Turn on Delworth Rd. Drive 2 miles turn
Right then go 1 1/4 mile on Rail Road and your
there.

3. Please provide a thorough description of the proposed use of this Low Temperature Geothermal Resource (i.e. irrigation, etc.):

Domestic Irrigation Stockwater Commercial
Wild life. Aquaculture. Heat. Space Heating, for
Green House Heating Ice Melt. Heating for Hot Tubs Swimming
Pool.

4. Does the well presently exist? ☐ Yes ☒ No
If not, when is the well to be drilled? Has now been drilled

Please Note: Low Temperature Geothermal Well drilling permits can only be granted after the owner has secured and shown evidence of a bond for the well and a drilling prospectus has been submitted by the owner and driller and approved by the Department. Any requests for waivers or exemptions to the above must be in writing to the Department and approved prior to the start of construction.

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5. Anticipated Driller Mark Hiddleston Drilling
All wells drilled in Idaho must be drilled by an Idaho licensed driller. The Department must be notified of the driller prior to start of well construction.

6. Please describe why:

A. There is no feasible alternative use of the thermal resource.

All the Dams up above will not
turn any water Down so there is no
water available for Irrigation and any other
use.

B. There is no economically viable alternative source of cold water.

None.

C. This exemption, if granted, is in the public interest.

yes,

NOTE: This exemption cannot be granted if the foregoing information is incomplete, inaccurate, or if any portion of the State Statutes have not been complied with in regard to the development and use of this resource.

I do hereby acknowledge that the above information is true and correct to the best of my understanding.

Applicant's Signature Cory Kim Orellana

Title Owner Date 11-7-2001
(Owner, Representative, or Other)

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11/13/01



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 2, 2001

COREY ARELLANO
PO BOX 93
HAMMETT ID 83627-0093

Re. Water Right Permit No 61-7712

Dear Mr. Arellano:

This letter is a follow-up of our phone conversation of July 27, 2001 regarding this permit and the new well which was found to produce a source of water classified as a low temperature geothermal resource. Since we have not heard from you since our initial conversation, the purpose of this letter is to inform you that the water right permit referenced above does not authorize you to divert water from the low-temperature well for the purposes listed on the permit without an exemption from the Department

Section 42-233(1) provides as follows:

The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource, (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; [and] (iii) the exemption is in the public interest.

At this point, your options regarding the water right permit are as follows, 1) pursue an exemption to utilize the low-temperature resource for reasons other than heat value, 2) pursue an amendment to the permit to change the nature of use in order to utilize the heat value of the resource, 3) pursue the uses authorized under the permit from a different well which is not a low-temperature well, or 4) continue development of the permit from the other authorized source (Bennett Creek) without the use of ground water. We have again enclosed a form for you to request an exemption if you choose to pursue the first option. We have also enclosed a form for you to amend your permit if you choose to pursue the second or third option (the third option would require an amendment of the permit if an alternate well is developed in a location which is not currently authorized under the permit).

In order to ensure that your permit is being developed in compliance with Idaho law, we are requesting that you inform the Department of your intentions regarding the use of the low-temperature geothermal well in conjunction with your permit. Please provide this information to the Department within 30 days. Development of the permit using the low-temperature well without an exemption or an appropriate amendment may be cause for the Department to cancel or void the permit pursuant to Section 42-311 or 42-219, Idaho Code. If you would like to discuss the options outlined above, please give me a call at 208-327-7940.

Sincerely,



Jeff Peppersack, Section Manager
Water Right Permits Section

JP:klt

Enclosures

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JAN 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 27, 2001

COREY ARELLANO
PO BOX 93
HAMMETT ID 83627-0093

RE. Request for Exemption of Use of the Low Temperature Geothermal Resource

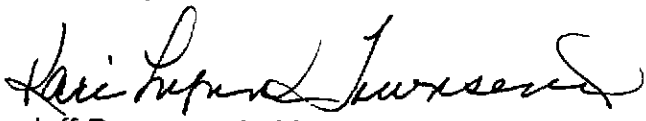
Dear Mr. Arellano

As per our telephone conversation today, enclosed please find the Request for Exemption of Use of the Low Temperature Geothermal Resource form that we discussed.

Please complete this form and return it to the address on this letterhead and mark it for the Permits Section.

If you have any questions regarding this matter, please call me at 208-327-7940

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MAILED
JUL 31 2001

MEMORANDUM

Date July 27, 2001

To. WR Permit File No 61-7712

From Jeff Peppersack

Re: Low Temperature Geothermal Resource

Cory Arellano (phone 366-2722) notified the Department that the new well being drilled under the permit has produced a source of water classified as a low temperature geothermal resource. I returned Mr. Arellano's call to discuss his alternatives. Apparently Mr. Arellano had already received authority to complete the well from Western Region in order to control the artesian flow (DP No D18824). I discussed the requirements of Section 42-233 with Mr. Arellano and indicated that I would send him the form "Request for Exemption of Use of the Low Temperature Geothermal Resource."

MS: [illegible]
[illegible]

Comment Report for Permit Number 770068

Author: jcarlson Subject: Low Temp Date: 7/27/2001 Comment: This date Mr. Cory Arrellano called indicating the well turned out to be a low temp. well. He requested I contact Mr. Mark Hiddleston for the Temp. depth pressure. I faxed his insurance company the bond form and the exemption request for the use of the water.

Mr. Hiddleston indicated the BHT is 95 degrees F., 56 to 60 psi closed in pressure (it went to 56 fairly quickly then gradually went up to 60 psi, they did not have a lot of casing set so they did not want to press their luck with losing a seal at this point) and the depth is 675 ft. TD.

I indicated that would be a \$20,000 bond and called Mr. Arrellano back with this info at 366-2722. I also requested Mr. Peppersack call him on the water right, as the use is irrigation and was based upon cold water source when approved.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 19, 1999

RICHARD MATTHEW ARELLANO
RYAN E ARELLANO
MATTHEW MCKENZIE ARELLANO
COREY K ARELLANO
JENNIFER DIANE ARELLANO
JUANITA R ARELLANO
KIMBERLY DANIELLE ARELLANO
REBECCA VICTORIA MAY ARELLANO
ROSS S ARELLANO
JEREMY RUSSELL SHERMAN
PO BOX 93
HAMMETT ID 83627-0093

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07712

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed

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FEB 11 1999

for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

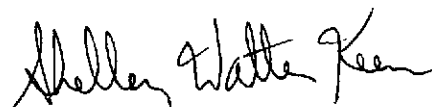
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

If you have any questions, please call me at 208-327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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FEB 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 61-07712

RICHARD MATTHEW ARELLANO
RYAN E ARELLANO
MATTHEW MCKENZIE ARELLANO
COREY K ARELLANO
JEREMY RUSSELL SHERMAN
JENNIFER DIANE ARELLANO
JUANITA R ARELLANO
KIMBERLY DANIELLE ARELLANO
REBECCA VICTORIA MAY ARELLANO
ROSS S ARELLANO
PO BOX 93
HAMMETT ID 83627-0093


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 11 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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FEB 11 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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FEB 11 1993

MEMORANDUM

DATE: November 19, 1998
TO: File Nos. 61-07712 & 61-07726
FROM: Cindy Zimmerman *CJ*.
SUBJECT: Overlap Review

These applications propose irrigation of the same 80 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$, S22, T05S, R08E. The place of use is located on land owned by the applicant. Application 61-07712 proposes use of an existing artesian well and Bennett Creek water through 2 instream dams, and 1 offstream dam. Application 61-07726 proposes use of a different existing artesian well.

License 61-02011 was identified as an overlapping right. This license is for 1.10 cfs from Bennett Creek at a different point of diversion to irrigate 55 acres in the same place of use. The SRBA claim on this right is recommended as disallowed as forfeited for non-use from 1974 to 1995. Therefore, this right will not be considered in the overlap review.

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FEB 11 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 21-7712A Name: Anellano Date: 9/23/98 Ad OK? ✓ / Gvmt Lts: ✓

AREA OF CONCERN- No/Yes None GWMA / Trust / Non-trust**PROTESTED:**

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED

> 1 year

- 26A/P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0 24 cfs/5 acres

- North / East / West

≤ 0 24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

> 0 24 cfs/5 acres

- No MD

≤ 0 24 cfs/5 acres

- 065-074 (if GW use SW 1st-statewide)-(cannot move SW off)

- ~~065~~ report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046/P23

In Basin 34?

- 085

Irr within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)

FISH & GAME CONTACTED

- Yes / No, RESPONSE _____

IN/ABOVE MIN STR FLOW (✓ MAP)

- *WB9 _____

WD (✓ MAP & LISTING)

- R04 (WD # 6(C))

> 0 10 cfs

- ~~065~~ MD & LD)

≤ 0 10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0 24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0 24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0 24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0 24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA

> 1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

> 5 acres

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),

17G (FERC) or 17M (FERC), 18B-P09, >25 cfs-P18

Stockwater

- R37 (BLM/USFS), NA

Storage (✓ 3 compo)

- ~~08A~~ (in & out MD for on-stream storage), ~~18B-P09~~ (>10' dam), NA**LOCATION:**

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053 P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:- 004 (PD/PU) BLM**OTHER CONDITIONS:**- 18A**STANDARD REMARKS:**- 1) WD2/2504/10042 Comm. / 2) Rec Stor/fish pond.**BENEFICIAL USE DUE:**- 10/1/ 2003**COMMENTS:**

SD-4113-2

Idaho Department of Water Resources

Date: 10/07/98

AJ5

Claim Inquiry Selection

Time: 07:46:31

Water Right Number: R61-02011 - DISALLOWED

- ☐ Names
- ☐ Priority Date, Diverting Works, Total Diversion Rate & Volume, etc.
- ☐ Sources & Tributaries
- ☐ Point of Diversion
- ☐ Water Uses
- ☐ Non-Irrigated Uses, Other Rights, Old No., Decree Date, etc.
- ☐ Places of Use
- ☐ Remarks
- ☐ Approval Conditions
- ☐ Civil Case No., Stage, Status, Report Filing Date, etc.
- ☐ Audit Information
- ☐ Old Water Right Numbers
- ☐ Certified Numbers & Dates Mailed

(GOLD6=Select All)

(Enter=Continue) (GOLD3=Proceed to AJ2) (GOLD7=Ad Hoc Reports) (GOLD8=Cancel)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM		
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE				
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
P6107712	T05S R08E S15 BENNETT CREEK																																			
	:											40	40																						80	
6102011	BENNETT CR :											15	40																						55	
A6102011	BENNETT CR :											15	40																						55	
6107726	GROUNDWATE : <i>application ①</i>											40	40																						80	
6107747A	BENNETT CR : ?											40	40					40	40	40	40													240		
~~6107748~~	~~BENNETT CR : <i>application</i>~~																	~~40~~	~~40~~	~~40~~	~~40~~													160		
	NO MAPPING INFO AVAILABLE																																			

① same storage facilities, Pou = BLM/DLE

Water Right Number - R61-02011

Prefix Translation: RESEARCH

Old (D) Number - 4225

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

ARELLANO	KIMBERLY DANIELLE	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820
ARELLANO	COREY K	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820
ARELLANO	JUANITA R	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820
ARELLANO	RYAN E	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820
ARELLANO	ROSS S	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820
ARELLANO	REBECCA VICTORIA MAY	1 - 201 LUPIN DR 3060-1 2 - 3 - City- BATTLE MOUNTAIN Phone - 702-635-9075	State- NV Zip- 89820

*** O - ORIGINAL OWNER ***

COMMERFORD	JOHN	1 - 2 - 3 - City- HAMMETT Phone - 208-000-0000	State- ID Zip- 83627
------------	------	--	----------------------

+ - - Priority Date - - +	+ - - - Region - - - +	+ - - - Stage - - - +	+ - - - Status - - - +
12/02/1909	14 WESTERN		I - DISALLOWED

+ - - - - Source - - - - +	+ - - - - Tributary - - - - +
BENNETT CREEK	SNAKE RIVER

+ - - - - Point of Diversion - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
05S 08E 9 SE SE SE (39) ELMORE
10 NE SE SW (39) ELMORE

Water right number - R61-02011

Prefix Translation: RESEARCH

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.100	
43 - DOMESTIC		01/01	12/31	0.070	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Div. Capacity - +	
1.100				+ - Total Consumptive Use - +	
				+ - KW Usage - +	
				0.0	

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
05S	08E	15	NW NW		15.0	01	IRRIGATION	(39) ELMORE
05S	08E	15	SW NW		40.0	01	IRRIGATION	(39) ELMORE
Total Acres:					55.0			

+ - - Diversion Means -

+ - - Non-Irrigation Use - DOMESTIC, 250 HD BEEF CATTLE.

+ - - Other Rights for Same Use -

Remarks	
GEN	THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1974 TO 12/12/1995. NO BENEFICIAL USE OR DIVERSION FOUND.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

+ - - Audit Fields - 10/05/98 RHOWERTO

Comments
No Comments Found

+ - - Adjudication Rights Dates and Flags Area -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 12/12/1995	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- Y	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/05/1998	Old Judicial District	-
Claim Received Date	- 10/30/1995	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- W020047	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	-

WR0749NP
No. 61-02011

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/18/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN COMMERFORD HAMMETT ID 83627	12/02/1909	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.100 CFS	
TOTAL DIVERSION:					1.100 CFS	

Water Source: BENNETT CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T05S R08E S09 SESE ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
05S	08E	15	:													55.0
TOTAL ACRES															55.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ELMORE

Other Water Rights Listing Overlapping Place(s) of use:

61-07712 61-07726 P61-07712 P61-07726

Dates:	App. Received:	Priority Date:	12/02/1909
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	12/03/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 06/18/85 05/01/88 CONVERT



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

November 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES C TUCKER
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Applications 61-07712, 61-07726, and 61-07748 (Corey Arellano)

Dear Mr Tucker:

I am responding to your letter dated October 22, 1998, expressing Idaho Power Company's concerns with water appropriation applications 61-07712, 61-07726, and 61-07748. As I understand your letter, because the three applications together propose the irrigation of more than 200 acres, Idaho Power Company wants be sure that IDWR applies the individual test for evaluating a significant reduction as set forth in IDAPA 37 03.08045.02 (Water Appropriation Rule 45.02).

The contents of the three applications can be summarized as follows.

- ◆ Application 61-07726 proposes the irrigation of 80 acres in the W½NW¼ of Section 22, T5S, R8E, with water from an existing artesian well. The proposed place of use is privately owned.
- ◆ Application 61-07712 proposes the irrigation of the same 80 acres in the W½NW¼ of Section 22, T5S, R8E. Under this application, water is to be diverted from a new well and from Bennett Creek
- ◆ Application 61-07748 proposes the irrigation of 160 acres in the SW¼ of Section 15, T5S, R8E, with water from an existing artesian well. The proposed place of use is BLM land. This application is being held while the applicant works to obtain a DLE permit.

IDWR is processing applications 61-07726 and 61-07712 because the applications were not protested and because together they propose the irrigation of 80 acres. As set forth in Water Appropriation Rule 45.02.a., an irrigation proposal of fewer than 200 acres is presumed not to cause a significant reduction of the flow in the Snake River at Murphy

If the applicant obtains a DLE permit for the additional 160 acres, bringing the entire project over 200 acres, IDWR will apply the criteria for evaluating a significant reduction (Water Appropriation Rule 45.02.c.) when reviewing application 61-07748. I believe this adherence to

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FEB 11 1999

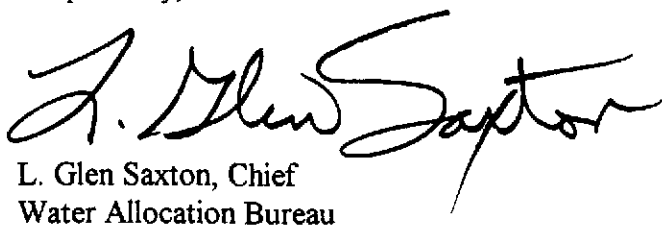
James C. Tucker
November 5, 1998
Page 2

the Water Appropriation Rules agrees with your request that "any further processing of #61-07748 proceed in the context of its use in combination with #61-07712."

In your letter you also request that public notice be published again for application 61-07748 if the applicant secures a DLE permit. The content of application 61-07748 was published on April 1, 1998, and April 8, 1998, in accordance with §42-203A, *Idaho Code*. There is no statutory provision for the re-publication of the notice. IDWR will, however, maintain a copy of your letter in the application file and note your expression of concern if the application is processed in the future.

If you have any questions, please contact IDWR at 208-327-7900.

Respectfully,



L. Glen Saxton, Chief
Water Allocation Bureau

SK

C: IDWR -- Western Region
Gary Spackman
Corey Arrellano (with a copy of James Tucker's 10/22/98 letter)

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FEB 11 1999

Rosholt, Robertson & Tucker
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
NORMAN M. SEMANKO
PATRICK D. MADIGAN
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 23 1998
Department of Water Resources

October 22, 1998

Norm Young, Administrator
Water Management Division
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RE: ARELLANO APPLICATIONS 61-07712 & 61-07748

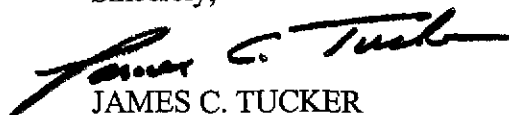
Dear Norm:

On behalf of our client, Idaho Power Company, I am writing to express our concern with the above two applications pending before IDWR. It is our understanding that both of these applications are currently "on hold," #61-07712 awaiting wording of a condition regarding stream channel alteration at the State IDWR Office, and #61-07748 awaiting the applicant's acquisition of a DLE permit from the BLM. While the protest deadline may have passed for #61-07712, these two applications taken together as a whole (which is apparently the proposal) would cause us some concerns from the standpoint of the terms under the Swan Falls Agreement.

We would like IDWR to be on notice of our concerns, and we would request that any further processing of #61-07748 proceed in the context of its use in combination with #61-07712, in addition to the usual statutory criteria for review. Additionally, we would request that, if the applicant secures a DLE permit and if this application does, in fact, move forward, that public notice be published at that time.

Thank you for your consideration.

Sincerely,


JAMES C. TUCKER

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FEB 11 1999

WR0749NP
No. 61-07748

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/03/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KIMBERLY DANIELLE ARELLANO	07/25/1997	IRRIGATION	04/01 10/31	3.200 CFS	
C	JUANITA R ARELLANO		IRRIGATION STORAGE	01/01 12/31		190.00 AFA
C	RICHARD MATTHEW ARELLANO		IRRIGATION FROM STORAGE	04/01 10/31		190.00 AFA
C	MATTHEW MCKENZIE ARELLANO		STOCKWATER STORAGE	01/01 12/31		190.00 AFA
C	COREY K ARELLANO		COMMERCIAL STORAGE	01/01 12/31		190.00 AFA
C	RYAN E ARELLANO		WILDLIFE STORAGE	01/01 12/31		190.00 AFA
C	ROSS S ARELLANO		RECREATION STORAGE	01/01 12/31		190.00 AFA
C	REBECCA VICTORIA MAY ARELLANO		DIVERSION TO STORAGE	01/01 12/31	3.200 CFS	
	PO BOX 93					
	HAMMETT ID 83627			TOTAL DIVERSION:	3.200 CFS	
C	JENNIFER DIANE ARELLANO					
	PO BOX 93					
	HAMMETT ID 83627					
C	JEREMY RUSSELL SHERMAN					
	PO BOX 93					
	HAMMETT ID 83627					

Water Source: BENNETT CREEK
GROUNDWATER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T05S R08E S15 NW NW SW NESW SESW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---
05S	08E	15	:						:					:	40	40	40	40	:					:	160.0
																							TOTAL ACRES		160.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

61-07712 P61-07712

Remarks: GEN Applicant agrees to mitigate consumptive use in the future as needed.
Application split into A & B portions to separate place of use into private and federal ownership. 61-07712B describes the BLM as a place of use. 61-07712B renumbered to 61-07748.

Dates: App. Received: 07/25/1997 Priority Date: 07/25/1997
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 07/25/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION

Appl. initiated in 1995 but not completed and paid for until now.
Single well on/near line between NWNW & SWNW. Use of this right
to be supplemental to lands irrigated under 61-02011/61-07711
(creek) and 61-07710 (well).

Two on-stream storage sites (@150 af) & additional off-stream
site (@40 af) will be served by creek and well water.

Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by
federal government (BLM). Special use permit from BLM will be
obtained for public land portion.

Commercial = for profit recreation etc. use @ ponds; Recreation
is for personal use of same (fishing etc.).

Application held at Region pending processing changes.

Date: 08/28/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION CONTINUED

Onstream storage sites (2) will each be a dam to back up water
along a reach of Bennett Creek. Possibly, another creek P/D may
occur at upper end of each pool (perhaps a pump?). Thus, could
have a creek P/D at either end of long narrow storage ponds as
shown on topo. The offstream storage pond will obtain water that
is pumped from integrated creek/well system. This offstream pond
is above (east) of railroad tracks.

Applicant submitted appl. for small dam(s) with this water right
appl. - but both filings must be held pending processing changes.
Need to identify type/number of stock (Corey A. said it's same as
listed in SRBA claims - check those first). Also note that P/U
for storage will be all QQ's except W 1/2 SW 1/4 instead of same
as irrigation. CFS may need to be reduced for acres to extent
that well and live flow from creek (see rights i.d. in 7/25/97
Comments) already provide 1"/acre.

Applicant will also have to provide large diversion info at least
to extent that supplemental use requires that response.

Surface and ground water sources to be integrated into 1 common
storage and delivery system so everything can be listed in one
application.

Audit: 09/23/98 CZIMMERM 09/23/98 CZIMMERM 09/29/98 SCURTIS

RECEIVED

SEP 16 1998

Department of Water Resources

MEMO

To: File No. 61-07712A

Re: Conditions of Approval

Date: September 15, 1998

*OK
Gang*

The conditions on the attached memo from Gene Gibson should be incorporated as conditions of the water right permit. In addition, I recommend the following conditions:

1. Any dams constructed for storage under this water right shall be less than 10 feet in hydraulic height 18A, 18B

2. This water right does not authorize construction of dams or points of diversion on BLM property, nor does it authorize trespass on the lands of another 004

3. Condition no. 120.

4. Any standard conditions related to Swan Falls should also be placed on the permits. 051, 052, 053

OK per Telecom 9/23/98 cz.

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FEB 11 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 16 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: Ly DATE: 3/23/98 APPLICATION: 61-07712

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

☒ T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☒ Overlapping point of diversion.
- ☒ ☒ Critical groundwater area:
- ☒ ☒ Groundwater management area:
- ☒ ☒ 1992 moratorium:
- ☒ ☒ Bull trout impact area
- ☒ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ ☒ Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☒ future = open areas, acceptance of condition of approval is in file.
- ☒ ☒ Send power requirement letter:
- ☒ ☒ Send fish farm requirement letter:
- ☒ ☒ Power residency affidavit:
- ☒ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

hold for SD until
letters received

county comm + F & B comment letters
re: by Div

Date Requested 3/23/98 Date Response Received _____

PROCESSING

APP. NO.

61-07712

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

YES NO

☐ ☒
☐ ☒
☒ ☐
☐ ☒

U.S. BLM

U.S. Forest Service

Water Dist. # 61C 22

Other Bennett CR WM

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐

Publication dates and paper recorded on application:

Final date for protest 4-26-98

Protests received.

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: See memo

See below for additional information

Recommended Date or Priority 7/25/97

Recommended by: Gary

Date: 9/17/98

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION:

PH overlap - 61-07726 - same land, supplemental cold H₂O
 61-07711 - artesian well
 61-02011 - game owner, supplemental Bennett
 CR H₂O

PH overlap - 61-07711

MEMO

To: Files No. 61-07712A and 61-7712B

Re: Purpose of the Split Water Right

Date: September 15, 1998

OK
Bany

I have been holding application no. 61-07712 and 61-07726, filed by Corey Arellano et al because the applications together proposed the irrigation of more than 200 acres which triggers a review of both the cumulative and individual impacts pursuant to Swan Falls legislation and rules and regulations. In particular, I was required to analyze the individual impact of this particular diversion through the models of IDWR.

I spoke with Corey Arellano about this process, and he described in better detail the purpose of the applications. Application for permit no. 61-07726 proposes diversion of ground water from an existing artesian well located on BLM property to irrigate 80 acres of land owned by Arellano. Application no. 61-07712 proposes diversion of ground water from a new well and diversion of natural flow and stored water from Bennett Creek for irrigation of 240 acres. The 80 acres in the W ½ of the NW¼ of Sec. 15, T05S, R08E are also described as a place of use by application no. 61-07712. In addition, application no. 61-07712 proposes irrigation of 160 acres located in the SW ¼ of Sec. 15, T05S, R08E that are owned by BLM.

Arellano proposes to seek a desert land entry (DLE) from BLM, but the application has not yet been filed. I told Arellano that we do not approve a water right prior to an analysis by BLM. After discussing the facts, Arellano and I agreed that he should split water right no. 61-07712 into an A and B portion. Arellano signed two separate application forms, numbered 61-00712A and 61-07712B.

Application no. 61-07712A and application no. 61-07726 can be processed immediately because the proposed place of use is owned by Arellano. Application no. 61-07712B should be held in the regional office until further information about the DLE is submitted. The split of the water right also allows us to process the applications without the individual review because the Swan Falls analysis is not required for 80 acres of irrigation.

When application no. 61-07712B is reviewed, it must be analyzed against the individual criteria since the entire project exceeds 200 acres.

61-07712B was renumbered to 61-07748 on 9/23/98, cz.

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FEB 11 1999

Elmore County Board of Commissioners

Phone (208) 587-2129

ELMORE COUNTY COURTHOUSE
150 South 4th East
Mountain Home, Idaho 83647

Fax (208) 587-2159

Don Reynolds
587-6768

Larry Rose
366-2226

Barry Peterson
587-3351

May 16, 1998

Copy

Idaho Department of Water Resources
Lori Graves

Sr. Water Resource Agent

RE: Comment on application for permit #61-07712

Dear Ms. Graves:

This is to follow up to our phone conversation earlier.

The Elmore County Commissioners are not engineers and have no idea as to the effect of the construction and operation of Mr. Arellano's proposal on the local area. We feel it is the responsibility of the Department of Water resources to determine that.

Sincerely,

Larry E. Rose
Larry E. Rose
Elmore County Commissioner

Post-It™ brand fax transmittal memo 7671

of pages >

To	LORI GRAVES	From	LARRY ROSE
Co.	DEPT. OF WATER	Co.	
Dept.	RESOURCES	Phone #	208-366-2227
Fax #		Fax #	208-366-2225

MICROFILMED

FEB 11 1999

RECEIVED

MAY 06 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

61-07712

ARELLANO, COREY K; ARELLANO, RYAN E; ARELLANO, ROSS S.
ARELLANO, REBECCA VICTORIA MAY; ARELLANO, KIMBERLY DANIELLE;
ARELLANO, JUANITA R; ARELLANO, RICHARD MATTHEW; ARELLANO,
JENNIFER DIANE; ARELLANO, MATTHEW MCKENZIE, SHERMAN, JEREMY
RUSSELL

P.O. BOX 93

HAMMETT, ID 83627

Source: BENNETT CREEK

Source: GROUNDWATER

Diversions Pt:

Tributary: SNAKE RIVER

Tributary:

NWNW Sec 15 T 05S R 08E in ELMORE County.

SWNW Sec 15 T 05S R 08E in ELMORE County.

NESW Sec 15 T 05S R 08E in ELMORE County.

SESW Sec 15 T 05S R 08E in ELMORE County.

Use: IRRIGATION STORAGE

IRRIGATION FROM STORAGE

DIVERSION TO STORAGE

IRRIGATION

COMMERCIAL STORAGE

RECREATION STORAGE

STOCKWATER STORAGE

WILDLIFE STORAGE

(190.00 AF)

(190.00 AF)

(4.800 CFS)

(4.800 CFS)

(190.00 AF)

(190.00 AF)

(190.00 AF)

(190.00 AF)

Total Diversions:

(4.800 CFS)

Date Filed: 7/25/1997

In: ELMORE County

T05S R08E S15

NWNW

SWNW

NESW

NWSW

SWSW

SESW

240.0 ACRES TOTAL

Application agrees to mitigate consumptive use in the future as needed.

61-07726

ARELLANO, JUANITA; ARELLANO, COREY; ARELLANO, ROSS S; ARELLANO,
RICHARD; ARELLANO, KIMBERLY DANIELLE; ARELLANO, RYAN E; AREL-
LANO, REBECCA VICTORIA MAY

BOX 93

HAMMETT, ID 83627

Source: GROUNDWATER

Diversions Pt:

Use: IRRIGATION

STOCKWATER

DOMESTIC

SWNE Sec 22 T 05S R 08E in ELMORE County.

(1.600 CFS)

(0.050 CFS)

(0.080 CFS)

Total Diversions:

(1.730 CFS)

Date Filed: 12/5/1996

In: ELMORE County

T05S R08E S15

NWNW

SWNW

80.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed for exist-
ing artesian well on public land:

61-07738

TINDALL, CHESTER J

550 N 8 E

MOUNTAIN HOME, ID 83647

Source: WASTE WATER Tributary: MOUNTAIN HOME IRRIGATION D

Diversions Pt: LOT 2 (NWNE) SEC 2 T 03S R 06E in ELMORE County.

Use: IRRIGATION

(0.760 CFS)

Total Diversions:

(0.760 CFS)

Date Filed: 9/15/1997

In: ELMORE County

T02S R06E S35

NESE

SESE

T03S R06E S02

Lot 1 (NENE)

Lot 2 (NWNE)

38.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

The permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before APRIL 20,
1998.

KARL J. DREHER, Director

First publication April 1, 1998.

Last publication April 8, 1998.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof: was published in said news-
paper for

2 consecutive weeks, the first publi-
cation having been made on 1st day of

April, 1998, and the last publi-
cation having been made on the 8th day of

April, 1998, every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Subscribed and sworn to me this 8th day of

April, 1998

Cynthia A. Swenson
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My
commission expires 09-09-2002.

MICROFILMED

FEB 11 1999



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

RECEIVED

APR 21 1998

WATER RESOURCES
WESTERN REGION

Philip E. Batt/Governor
Stephen P. Mealey/Director

April 17, 1998

Ms. Lori Graves
Idaho Dept. Of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Water Right Application for Permit #61-07712 - (Arellano - Bennett Creek)

Dear Lori,

On April 14, 1998, we visited the site of the proposed diversion structures for Mr. Corey Arellano to divert 4.8 cfs. of flood-flow from Bennett Creek, a tributary to the Snake River. Please consider the following comments in your evaluation of this application.

Bennett Creek, at Mr. Arellano's points of diversion has been heavily degraded due to channel confinement and straightening, loss of riparian vegetation, loss of floodplain, upstream diversion of the stream, and encroachment into the stream corridor for agricultural use. During the April 14 visit, the only observable surface water was behind earthen dams pushed-up in the creek bed to supply stockwater. Pictures will be supplied at a later date. There was no sign of a viable fishery with the reach.

If this application is approved by your agency, we would like to recommend the following conditions be attached:

1. Dams should be constructed of sound, non-erosive material with adequate spillway capacity to prevent failure of the diversion structure during high-flow. This will minimize further water quality/fish habitat degradation downstream of the diversion structures.
2. In the event that water quality and flow conditions improve to the point that a native fishery is re-established in the reach, we would like to reserve the right to require fish passage facilities on these diversions. Redband rainbow trout, a native salmonid which could potentially be listed under the federal Endangered Species Act, have been documented in the upper reaches of the drainage. We need to keep all options open for reclaiming lost habitats in the event of special status for this specie.

In summary, Mr. Arellano's proposed impoundments could have some benefits for local waterfowl and reptile/amphibian communities. Wildlife values could be further improved if the applicant chooses to re-establish native riparian vegetation along the perimeter of the pond.

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD RIGGS
PO BOX 1161
MTN HOME ID 83647

Re: Application for Permit No. 61-07712 in the Name of Corey Arellano etal

Dear Sir:

Enclosed is a copy of the above-referenced application for permit within your district
Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you might have within two weeks
If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

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FEB 11 1999

COMMENTS FROM STREAM CHANNEL PROTECTION PROGRAM

FROM: Gene Gibson

DATE: March 24, 1998

FILE: 61-07712

THIS PERMIT DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO OBTAIN A SEPARATE PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS BEFORE STARTING THIS PROJECT. YOU SHOULD CONTACT THEIR OFFICE AT (208) 343-0671 TO OBTAIN ADDITIONAL INFORMATION ON PERMITTING REQUIREMENTS THAT MAY BE NEEDED FOR THIS PROJECT. A COPY OF THIS PERMIT HAS BEEN PROVIDED TO THE CORPS FOR THEIR REVIEW.

Rock used for the spillway shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway during ordinary high water to ensure erosion protection.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream in a centralized location that is constructed and maintained with underliners, to ensure that a spill cannot enter surface and/or ground waters.

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FEB 11 1999

From: DWR80::LGRAVES 24-MAR-1998 09:04:16.01
To: DWR80::GGIBSON
CC:
Subj: 61-07712

Hi Gene, please comment on appl 61-07712 just submitted for advertising.
There is a comment letter from the Corps dated 12/30/96 in the folder that
involves stream channel issues. Thanks Gene. lg

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY K ARELLANO
PO BOX 93
HAMMETT ID 83627

RE: Application for Permit #61-07712 Large Diversion Requirements

Dear Corey:

Application for permit #61-07712 was received 07/25/1997 and will be advertised and processed but cannot be approved until additional information is submitted.

Pursuant to Idaho Code 42-203A(5)(a-e) and 42-203C(2), additional information is needed for applications for permit involving irrigation of more than 200 acres. Required information related to the proposed water right, as outlined in the attached copy of Water Appropriation Rules 37.03.08.05.c through g, covers several items, however you need only to address item g, regarding the Local Public Interest Criteria. This item can be satisfied by soliciting a comment letters from the Elmore County Commissioners and the Idaho Department of Fish & Game. Comments need to address the effect of the construction and operation of your proposal within the local area.

To avoid further delays, please submit the above information as soon as possible to our Western Region office, at the above address.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resource Agent

Encl: Appropriation Rules 37.03.08.05.c through g

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FEB 11 1999

61-07712

ARELLANO, COREY K
ARELLANO, RYAN E
ARELLANO, ROSS S
ARELLANO, REBECCA VICTORIA MAY
ARELLANO, KIMBERLY DANIELLE
ARELLANO, JUANITA R
ARELLANO, RICHARD MATTHEW
ARELLANO, JENNIFER DIANE
ARELLANO, MATTHEW MCKENZIE
SHERMAN, JEREMY RUSSELL
PO BOX 93
HAMMETT, ID 83627

Source: BENNETT CREEK
Source: GROUNDWATER

Tributary: SNAKE RIVER
Tributary:

Diversion Pt:	NWNW	Sec 15 T 05S R 08E	in ELMORE County.
	SWNW	Sec 15 T 05S R 08E	in ELMORE County.
	NESW	Sec 15 T 05S R 08E	in ELMORE County.
	SESW	Sec 15 T 05S R 08E	in ELMORE County.

Use: IRRIGATION STORAGE	(	190.00 AF)
IRRIGATION FROM STORAGE	(	190.00 AF)
DIVERSION TO STORAGE	(	4.800 CFS)
IRRIGATION	(	4.800 CFS)
COMMERCIAL STORAGE	(	190.00 AF)
RECREATION STORAGE	(	190.00 AF)
STOCKWATER STORAGE	(	190.00 AF)
WILDLIFE STORAGE	(	190.00 AF)
Total Diversion:	(	4.800 CFS)

Date Filed: 7/25/1997

In: ELMORE County				
T05S R08E S15	NWNW	SWNW	NESW	NWSW
	SWSW	SESW		

240.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY ARELLANO
BOX 93
HAMMETT ID 83627

RE: APPLICATION NOS. 61-07712 AND 61-07726

Dear Corey:

Your "response form" for Application No. 61-07712 was received yesterday. Processing of this application for the proposed storage project will be delayed for about six to eight weeks pending reduction of the backlog of applications for which mitigation is applicable. This filing is approximately in the middle of the stack of backlogged filings to be processed.

A letter was sent to you at the Nevada address on February 5, 1998 for Application no. 61-07726, a ground water filing. That letter was returned as undeliverable at the Nevada address. I have enclosed that letter today. This application has a 1996 priority date, which puts it at the head of the backlog list. It can be processed right away if you submit the completed response form.

Both applications will be updated to show your Hammett address instead of the Nevada one. Please include a local telephone number, if applicable, in your reply to today's letter.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 11 1999

RESPONSE FORM

RECEIVED

MAR 02 1998

WATER RESOURCES
WESTERN REGIONCOMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

COREY K. ARELLANO ET AL

Mailing Address

Box 175 Hamlet Idaho83627

Application No.

61-07712

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Corey K. Arellano

Date

2-26-98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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FEB 11 1998

RECEIVED

MAR 02 1998

WATER RESOURCES
WESTERN REGION

Steve

Please Put ALL my kids
names on this Water Right also
my wife.

Thank's

Corey Arellano

2-26-98

3:30 p.m.

Corey K. ARELLANO

Juanita R. ARELLANO

Ryan E. ARELLANO

Ross S. ARELLANO

Rebecca V. M. ARELLANO

Kimberly D. ARELLANO

Richard M. ARELLANO

Matthew M. ARELLANO

Jennifer D. ARELLANO

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

COREY K ARELLANO
PO BOX 93
HAMMETT ID 83627

RE: APPLICATION FOR PERMIT NO. 61-07712

Dear Mr. Arellano:

I received your letter dated January 26, 1998 in which you identified conditions under which you will allow water to be released from your proposed dam included in the above referenced water right application.

While I understand your point of view regarding mitigation, it is not possible for the department to process a new water right under your terms with respect to the mitigation issue. However, if you complete and return the enclosed "response form", your application will be processed. Otherwise, this office will continue to hold your application until new circumstances develop.

Also, do you want the application to list your Hammett address or the Nevada address? If the former, do you have a local telephone number?

Please contact me if you have any questions about your application.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

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FEB 11 1998

January 26, 1998

Department of Water Resources
Boise, ID

ATTN: Steve Lester *SL*

Dear Water Resources:

Per conversations with your office earlier, I will allow water to be released from my dam, located in Bennett Creek, under these conditions:

1. Adequate water for farming
2. Adequate water for fish, which I will be raising
3. I will be compensated for the crop loss or fish loss
4. I will be compensated for the water, which is turned out from gate(s), unless there is excess water

If you have further questions or need more information, please contact me.

Sincerely,

Corey K. Arellano

Corey K. Arellano
PO Box 93
Hammett, Id 83627

*Don't send
2/4/98 letter
since response
from ID
process
1/30/98
SL*

RECEIVED

JAN 28 1998

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 11 1999

61-07712



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

✓
Sent per
Corey A's tele
Request

DATE: 1/7/98

TO: Mr. Perce Hall

FROM: Steve Lester

fax 208-587-3144

DOCUMENT DESCRIPTION:

Mitigation proposal language (draft letter)
for Arellano appl. # 61-07712.
We can process if applicant agrees in writing to
have a condition of approval & mitigation

TOTAL PAGES SENT: 4 + COVER SHEET

CONTACT:

Takes e 2 months to obtain approval if
Application is not protested.

CAN use response form (draft) or can send
letter agreeing to this if want this office to
process the Application.

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FEB 11 1999

DRAFT

date

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes irrigation (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

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FEB 11 1993

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

DRAFT

Name of Applicant

Mailing Address

Application No.

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Date

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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FEB 11 1999

WR5809NP
No. 61-07712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COREY K ARELLANO	07/25/1997	IRRIGATION	04/01 10/31	4.800 CFS	
C	RYAN E ARELLANO		IRRIGATION STORAGE	01/01 12/31		190.00 AFA
C	ROSS S ARELLANO		IRRIGATION FROM STORAGE	04/01 10/31		190.00 AFA
C	REBECCA VICTORIA MAY ARELLANO		STOCKWATER STORAGE	01/01 12/31		190.00 AFA
C	KIMBERLY DANIELLE ARELLANO		COMMERCIAL STORAGE	01/01 12/31		190.00 AFA
C	JUANITA R ARELLANO		WILDLIFE STORAGE	01/01 12/31		190.00 AFA
C	RICHARD MATTHEW ARELLANO		RECREATION STORAGE	01/01 12/31		190.00 AFA
C	JENNIFER DIANE ARELLANO		DIVERSION TO STORAGE	01/01 12/31	4.800 CFS	
C	JEREMY RUSSELL SHERMAN					
C	MATTHEW MCKENZIE ARELLANO					
TOTAL DIVERSION:					4.800 CFS	

Water Source: BENNETT CREEK
GROUNDWATER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T05S R08E S15 NWNW SWNW NESW SESW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	:	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM	
05S	08E	15	:					:	40	40		:	40	40	40	40	:
																TOTAL ACRES	240.0

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: ELMORE

Dates: App. Received: 07/25/1997 Priority Date: 07/25/1997
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: Field Exam Fee:

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FEB 11 1999

Comments: Date: 07/25/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION

Appl. initiated in 1995 but not completed and paid for until now.
Single well on/near line between NWNW & SWNW. Use of this right
to be supplemental to lands irrigated under 61-02011/61-07711
(creek) and 61-07710 (well).

Two on-stream storage sites (@150 af) & additional off-stream
site (@40 af) will be served by creek and well water.

Acres in NW 1/4 owned by applicants while SW 1/4 acres owned by
federal government (BLM). Special use permit from BLM will be
obtained for public land portion.

Commercial = for profit recreation etc. use @ ponds; Recreation
is for personal use of same (fishing etc.).

Application held at Region pending processing changes.

Date: 08/28/1997 User-ID: SLESTER Subject: ADDITIONAL INFORMATION CONTINUED

Onstream storage sites (2) will each be a dam to back up water
along a reach of Bennett Creek. Possibly, another creek P/D may
occur at upper end of each pool (perhaps a pump?). Thus, could
have a creek P/D at either end of long narrow storage ponds as
shown on topo. The offstream storage pond will obtain water that
is pumped from integrated creek/well system. This offstream pond
is above (east) of railroad tracks.

Applicant submitted appl. for small dam(s) with this water right
appl. - but both filings must be held pending processing changes.

Need to identify type/number of stock (Corey A. said it's same as
listed in SRBA claims - check those first). Also note that P/U
for storage will be all QQ's except W 1/2 SW 1/4 instead of same
as irrigation. CFS may need to be reduced for acres to extent
that well and live flow from creek (see rights i.d. in 7/25/97
Comments) already provide 1"/acre.

Applicant will also have to provide large diversion info at least
to extent that supplemental use requires that response.

Surface and ground water sources to be integrated into 1 common
storage and delivery system so everything can be listed in one
application.

Audit: 11/14/95 CHODGES 05/14/96 CZIMMERM 07/22/96 CZIMMERM 12/13/96 SLESTER

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FEB 11 1999

4/83

fee = \$1 / acre-footRelated Water
Permit No. 61-97712STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

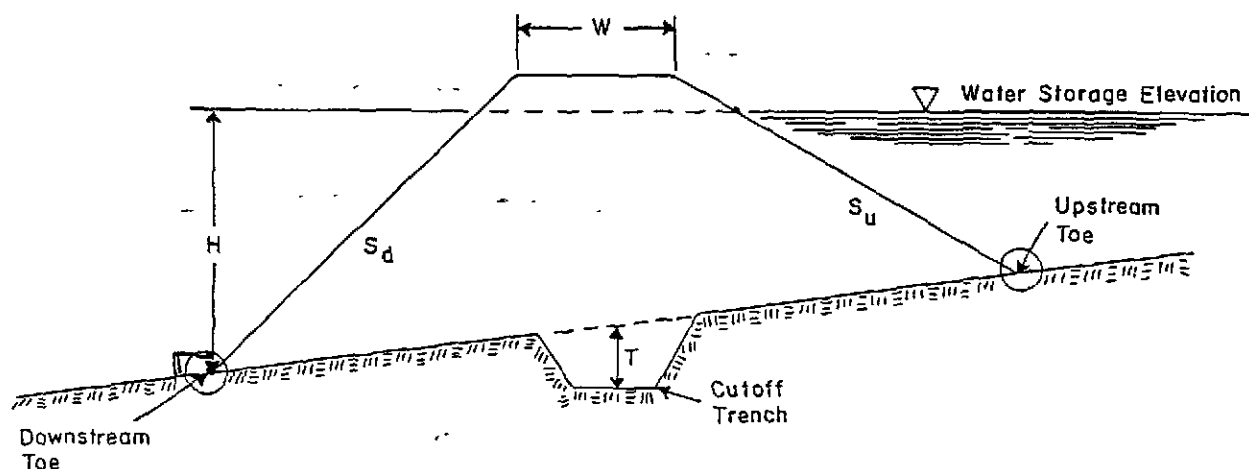
APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

- Name of Owner (print or type): Coney K Arellano Phone No. 702-635-9023
Post Office Address: 201 Lepin Dr 30100-1 Battle Mountain NV 89820 And
Box 93 Hammett ID 83627
 - Application for: ☒ Construction of new dam, ☐ Reconstruction, Alteration of existing dam.
 - Location: NE 1/4, NW 1/4, Section 15, Township 5, Range 8,
2/more County.
 - Source of Water Bennett Creek And tributary to SNAKE River Drainage
(Name, Unnamed Stream, Other-describe) (Stream Name)
 - Drainage Area: 80 acres, above the site of the dam.
(Approximate)
 - Downstream Development Agriculture 2 1/2 miles away
Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.
Flat 2 1/2 mile to closest building which are approximately
80 Ft above creek. One House 1/4 mile from creek.
Irrigation
- NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban, concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application **MICROFILMED** be accompanied by plans and specifications prepared by a registered engineer.
- FEB 11 1999
- Reservoir: Surface area 5 acres; Storage Capacity 49 acre-feet.
 - Reservoir Storage Purpose: Irrigation Stockwater Recreation Domestic
(Irrigation, Stockwater, Recreation, Other-describe) ie.

DETAILS OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) EARTH



Hydraulic Height (H) 8 feet. If dam is being raised, indicate increase in height feet.

Crest Length 10 feet. Crest (top of dam) Width (W) 80 feet.

Downstream Slope (S_d) 2%; Upstream Slope (S_u) 2%.

Depth of Cutoff Trench (T) feet.

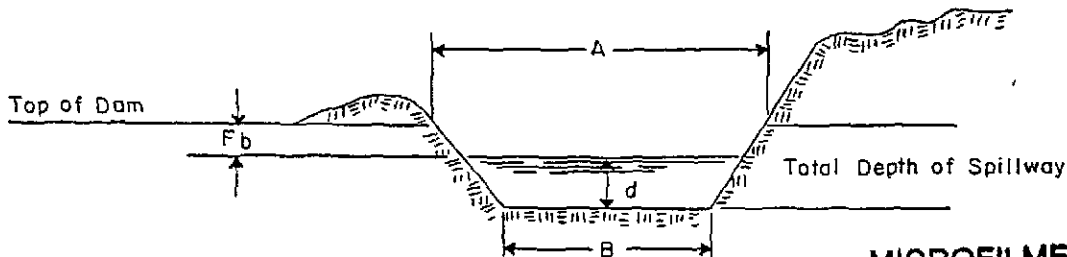
OUTLET ; ; Maximum Release Rate cfs.
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars
(also indicate spacing of collars along outlet)

SPILLWAY

[] Service (auxiliary) Spillway, describe

[] Emergency Spillway, Located at: [] left, [] right abutment, [] other location.



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FEB 11 1999

Total Depth of Spillway (below top of dam) 12 in feet

Spillway: Bottom width (B) 10 feet; Top Width (A) 10 feet.

Discharge Capacity of Spillway cfs at spillway flow depth (d) 12 inches feet.

Freeboard (F_b) 2 feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining Riprap
(Rock Cut, Rock Riprap, Other-describe)

CONSTRUCTION SCHEDULE

Proposed date for start of construction _____

May 1, 1997
(Date)

Conrad S. Gullano
Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received 7/25/97

By JL

Fee \$ no fee paid

Date receipted _____

Receipted by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ Dam is hereby approved, subject to the following conditions:

1. This action does not constitute the required authority to appropriate water under Idaho Water Law.
2. The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
3. Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
4. In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
5. Additional Conditions:

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FEB 11 1999

Witness my hand this _____ day of _____, 19____.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
LUCKY PEAK PROJECT OFFICE
HC-33 BOX 1020
BOISE, IDAHO 83706-9302

December 30, 1996

RECEIVED

JAN 06 1997

WATER RESOURCES
WESTERN REGION

Operations Division

SUBJECT: NPW No. 962102210

Mr. Corry Arellano
201 Lupine Drive 3060-1
Battle Mountain, Nevada 89820

Dear Mr. Arellano:

On December 4, 1996, I met with you on-site to inspect the location of your proposed dam across Bennett Creek. The stream channel was approximately eight feet wide and was essentially dry, except for a little water that had ponded behind a six inch high berm you constructed across the channel to provide water for your live stock. As I told you on-site, Bennett Creek is a waters of the United States and any work conducted within the channel does require approval from this office prior to conducting the work.

With regard to your question about wetlands, I did not see any areas that would be impacted by your proposed dam that would be considered to be wetlands. If wetlands are present on your property, likely they would be confined to the Bennett Creek channel itself.

If you get your water right issues resolved with the Idaho Department of Water Resources, please submit the application I left with you, for your proposed dam. I would recommend that you submit it at least 60 days prior to when you want to start work. This would give us ample time to process your application.

You are advised that the discharge of material in waters of the United States, including wetlands, prior to obtaining the required Department of the Army permit is in violation of the provisions of the Clean Water Act.

MICROFILMED

JAN 11 1997

If you have any questions, please contact me by writing to the above address or phone 208-343-0671.

Sincerely,



Gregory J. Martinez
Regulatory Project Manager

Copy Furnished:

Gene Gibson
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

MICROFILMED

FEB 11 1999

CONVERSATION MEMORANDUM

DATE 12/12/96FILE 61-07712NAME OF PARTY Cory Arellano 702-635-9075EMPLOYEE FRRE: ARELLANO Storage Appl. 61-07712"T file" onlymailed to Applicants (CJH)not rec'd & I think(J.O. - Regis - D'BASES - Receipts - App. Lis)Discussed w/ Mrs. A. today - she'll tell
Cory & this.Can prepare 2nd draft & send it they
can't find it or never got it.12/13/96Cory called - lots of discussion & "T" file re
61-07712 vs actual appl with signature plus
fee. Bottom line is that dept. does not
have any record of appl. being completed & filed.SENT 12/16 ✓ Rec'd that I send him blank Appl form
with map. He can complete it, then submit
it to this office.He agreed to do that.update 12/13 ✓ I will update d'Base comments in draft of
61-07712.MICROFILMED
FEB 11 1999

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 12/13/96
Time: 16:09:15

Water Right Number: 61-07712

Comment Date: 12/13/1996 User ID: SLESTER

Subject: APPLICATION STATUS_____

Per office visit with Corey A. recently & extensive d'base etc.____
research through 12/12/96, the draft application was prepared via____
the database & mailed to applicant in Nov. 1995. The completed____
filing was never received nor receipted at IDWR. Discussed this____
with Corey A. today & mailed him a blank application form plus____
map for him to complete & return with payment. In this manner,____
an application can be actually filed & on record with IDWR._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

WR5809NP
No. 61-07712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	COREY K ARELLANO	11/14/1995	IRRIGATION STORAGE	01/01 12/31		40.00 AFA
C	RYAN E ARELLANO		IRRIGATION FROM STORAGE	04/01 10/31		40.00 AFA
C	ROSS S ARELLANO		DIVERSION TO STORAGE	01/01 12/31	1.600 CFS	
C	REBECCA VICTORIA MAY ARELLANO					
C	KIMBERLY DANIELLE ARELLANO			TOTAL DIVERSION:	1.600 CFS	40.00 AFA
C	JUANITA R ARELLANO					
	201 LUPIN DR 3060-1					
	BATTLE MOUNTAIN NV 89820					
	(702) 635-9075					

Water Source: BENNETT CREEK
GROUNDWATER

Tributary to: SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T05S R08E S15 NWNW NWNWNW SWNW ELMORE County

Point of Diversion Name(s):

	Name	Rate	Number
T05S R08E S15 NW NW	WELL (SINGLE PT)		
S15 NW NW NW	BENNETT CREEK		
S15 SW NW	WELL (SINGLE PT)		

Place of use Legal Description for: IRRIGATION FROM STORAGE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
05S	08E	15	:			40	40	:							80.0
														TOTAL ACRES	80.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07710 61-07711

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07710 61-07711

Remarks: Single point of diversion for groundwater on or near tract line
between NWNW and SWNW Section 15, T05S R08E.

Dates: App. Received: 11/14/1995 Priority Date: 11/14/1995
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

10/13/96

WR5809NP
No. 61-07712

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 6

Comments: Date: 11/14/1995 User-ID: CHODGES Subject: STORAGE RESERVOIR, MULTIPLE SOURCES AND P/Ds

Off-stream reservoir to be located within NWNW Section 15.

Reservoir dimensions 2 surface acres X 20 ft average depth.

P/D from Bennett Creek located within NWNWNW Sec 15 at corner of property. Well to be located somewhere near tract line as depicted in remarks. (This consistent with 61-07710).

Total of two points of diversion, to be valved together into a common delivery line feeding the reservoir.

Date: 11/14/1995 User-ID: CHODGES Subject: SUPPLEMENTAL USE

Use under this right to provide supplemental irrigation to lands also irrigated or proposed to be irrigated under 61-2011/61-7711 (Bennett Creek) and 61-7710 (ground water).

Audit: 11/14/95 CHODGES 05/14/96 CZIMMER 07/22/96 CZIMMER

APPROVED

CONVERSATION MEMORANDUM

DATE 12/5/96
FILE 61-07712

NAME OF PARTY CORRY ARELLANO

EMPLOYEE STEVE LESTER

RE: Appl. Status? Storage filing

BCC1 } 61-07712 or Arellano
APPS. Lis }

URS T filing

Where is file?

What is delay?

Protested?

✓ & call him at NV #

Also filed 61-07726 Appl. today -

Exist. ARTERIAL well on BLM land,

same plan as his other filings.

Told him could not process yet per

Dept's pending clarification of irrig. Appl.
in OPEN AREAS.

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FEB 11 1999

Idaho Department Of Water Resources
Receipt Summary Query

Date: 12/06/96

Time: 14:14:26

Rec/No	From	Date	Fee	Ar/No	Status
~~W021779~~	ARELLANO, COREY	12/05/1996	61-7726 120.00	Newsp	/ /
~~W020047~~	ARELLANO, COREY K	10/30/1995	250.00		W/ /
~~W020135~~	ARELLANO, COREY K.	11/27/1995	25.00		W/ /
~~W020423~~	ARELLANO, COREY K.	02/20/1996	20.00		W/ /
~~W020517~~	ARELLANO, COREY/JUAN	03/04/1996	30.00	a. under cut	/ /
~~W019932~~	ARELLANO, J	09/28/1995	120.00		/ /
S011829	ARELLANO, JOE M.	04/05/1990	25.00		W/ /
C015397	ARENA VALLEY CIRCLE	03/08/1990	52.00		W/R/
W005847	ARENDTS, CHARLES	09/11/1989	55.00		W/R/
C023746	ARENDTS, CHARLES L.	04/10/1992	50.00		/ /
C014524	ARENDTS, CHARLES L./	02/09/1990	4.00		/ /
S019667	ARENSBERG, FRANK	11/04/1996	25.00		/ /
C008879	ARENSMAN, ELTON	08/04/1989	57.00		W/ /
W019762	ARENT, ROBERT	08/17/1995	2.00		W/ /
W012646	ARENT, ROBERT L.	08/17/1990	50.00		W/ /

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

7710
7711
7712-7 = W019932
7726 = W020047
Never paid, returned field
West
BCEI
Apr 14 97
Jen

Nothing in 50A on Region e Appl.
61-07712, for storage - "T" file
created & number (CJN) to MICROFILMED but no
reply received.

FEB 11 1999

WRS 61-67710 → W019932

9/28/1995

ARELLANO, J

APPLICATION FOR PERMIT	62103	229 21 1155	120.00
CHECK	211	\$	120.00

Region: WESTERN

Signature: _____

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FEB 11 1999

W020047

10/30/1995

ARELLANO, COREY K

ADJUDICATION CLAIMS	41503	337	1155	130.00
APPLICATION FOR PERMIT	62103	229	21 1155	120.00

CHECK	1198		\$	250.00
-------	------	--	----	--------

		Water Right Numbers		
A61-02011	A61-11830	61-07711	-	-

Region: WESTERN

Signature: _____

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FEB 11 1999

WR5809NP
No. 61-07711

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REBECCA VICTORIA MAY ARELLANO	10/30/1995	IRRIGATION	04/01 10/31	1.600 CFS	
C	KIMBERLY DANIELLE ARELLANO					
C	COREY K ARELLANO					
C	JUANITA R ARELLANO					
C	RYAN E ARELLANO					
C	ROSS S ARELLANO					
	201 LUPIN DR 3060-1					
	BATTLE MOUNTAIN NV 89820					
	(702) 635-9075					
				TOTAL DIVERSION:	1.600 CFS	

Water Source: BENNETT CREEK

Tributary to: SNAKE RIVER

Stage: PERMIT

Point(s) of Diversion: T05S R08E S15 NW SW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: SUM
05S	08E	15	:				:	40	40	:				:					80.0
																		TOTAL ACRES	80.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07712

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07710

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 005 - Use of water under this right is subject to control by the
 - watermaster of State Water District No. 61C.
- 01J - A measuring device and lockable controlling works of a type
 - acceptable to the Department shall be permanently installed and
 - maintained as part of the diverting works prior to diversion of
 - water under this right.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 051 - Any license issued by IDWR pursuant to the right or portion
 - thereof for the use of trust water is subject to a term review
 - of 20 years after the date of this approval to determine
 - availability of water for the use and to re-evaluate the public

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Conditions of Approval:

- interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
 - annual use fee if rules are subsequently promulgated which
 - provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may
 - change, add, or remove any requirement as determined to be
 - appropriate.

Dates: App. Received: 10/30/1995 Priority Date: 10/30/1995
Proof Due Date: 05/01/1998 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 61C Field Exam Fee:

Comments: Date: 10/30/1995 User-ID: LGRAVES Subject: OTHER RIGHTS
This application has been filed in case SRBA claim 61-02011 is rejected. Applicant has also filed an SRBA claim on a spring in the NWNW for stockwater and 1/2 acre irrigation. Applicant also filed 61-07710 for irrigation from groundwater to the same p/u.

Date: 05/14/1996 User-ID: CZIMMERM Subject: TRUSTWATER REVIEW
This application proposes the diversion of 1.60 cfs of trustwater to irrigate 80.0 acres within W1/2NW, S15, T05S, R08E. This application satisfies the 42-203A & C requirements.

Audit: 10/30/95 LGRAVES 11/01/95 CZIMMERM 11/06/95 CHODGES 01/22/96 STAYLOR
11/14/95 PSKAGGS 05/14/96 CZIMMERM

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WR5809NP
No. 61-07710

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JUANITA R ARELLANO 201 LAPIN DR 3060-1 BATTLE MOUNTAIN NV 89820	09/28/1995	IRRIGATION	04/01 10/31	1.600 CFS	
					TOTAL DIVERSION:	1.600 CFS
C	COREY K ARELLANO PO BOX 93 HAMMETT ID 83627 (208) 366-2477					

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T05S R08E S15 NWNW SWNW ELMORE County

Place of Use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05S	08E	15	:							40	40									:	80.0
																				TOTAL ACRES	80.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07712

Other Water Rights Listing Overlapping Place(s) of use:
61-02011 61-07711

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 46B - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

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Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.
- 051 - Any license issued by IDWR pursuant to the right or portion
- thereof for the use of trust water is subject to a term review
- of 20 years after the date of this approval to determine
- availability of water for the use and to re-evaluate the public
- interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may
- change, add, or remove any requirement as determined to be
- appropriate.

Remarks: Single point of diversion located on or near line between NWNW
and SWNW, S15, T5S, R8E.

Dates: App. Received: 09/28/1995 Priority Date: 09/28/1995
Proof Due Date: 12/01/1997 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 09/28/95 JWESTRA 10/03/95 SCURTIS 10/10/95 LGRAVES 10/30/95 LGRAVES
11/01/95 CZIMMERM 11/14/95 CHODGES 11/15/95 CZIMMERM

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